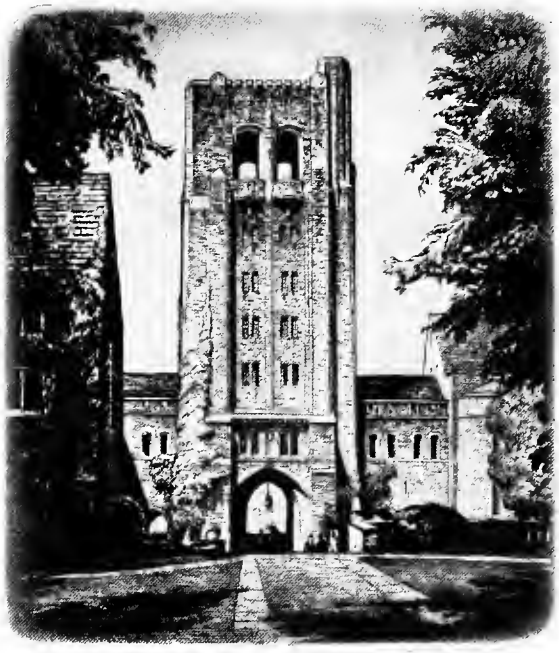
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The Judiciary and the Bar of New England for the Nineteenth Century. . . .

MEMOIRS

OF THE

JUDICIARY AND THE BAR

OF

NEW ENGLAND

FOR THE NINETEENTH CENTURY

WITH

A HISTORY OF THE JUDICIAL SYSTEM OF NEW ENGLAND

BY

CONRAD RENO, LL.B.

THE CENTURY'S RECORD OF THE LIVES OF DISTINGUISHED MEMBERS
OF THE LEGAL PROFESSION

PUBLISHED UNDER EDITORIAL SUPERVISION OF

LEONARD A. JONES, A. B., LL. B.

AUTHOR OF THE FOLLOWING TREATISES: MORTGAGES OF REAL PROPERTY; MORTGAGES OF PERSONAL PROPERTY; CORPORATE BONDS AND MORTGAGES; PLEDGES AND COLLATERAL SECURITIES; THE LAW OF LIENS; THE LAW OF REAL PROPERTY; FORMS IN CONVEYANCING; THE LAW OF EASEMENTS; AND JUDGE OF THE COURT OF LAND REGISTRATION OF MASSACHUSETTS;

AND

CONRAD RENO

AUTHOR OF TREATISES ON THE LAW OF NON-RESIDENTS AND FOREIGN CORPORATIONS; EMPLOYERS' LIABILITY ACTS, ETC., ETC.

ASSISTED BY MANY EMINENT NEW ENGLAND JUDGES

THE CENTURY MEMORIAL PUBLISHING CO.,
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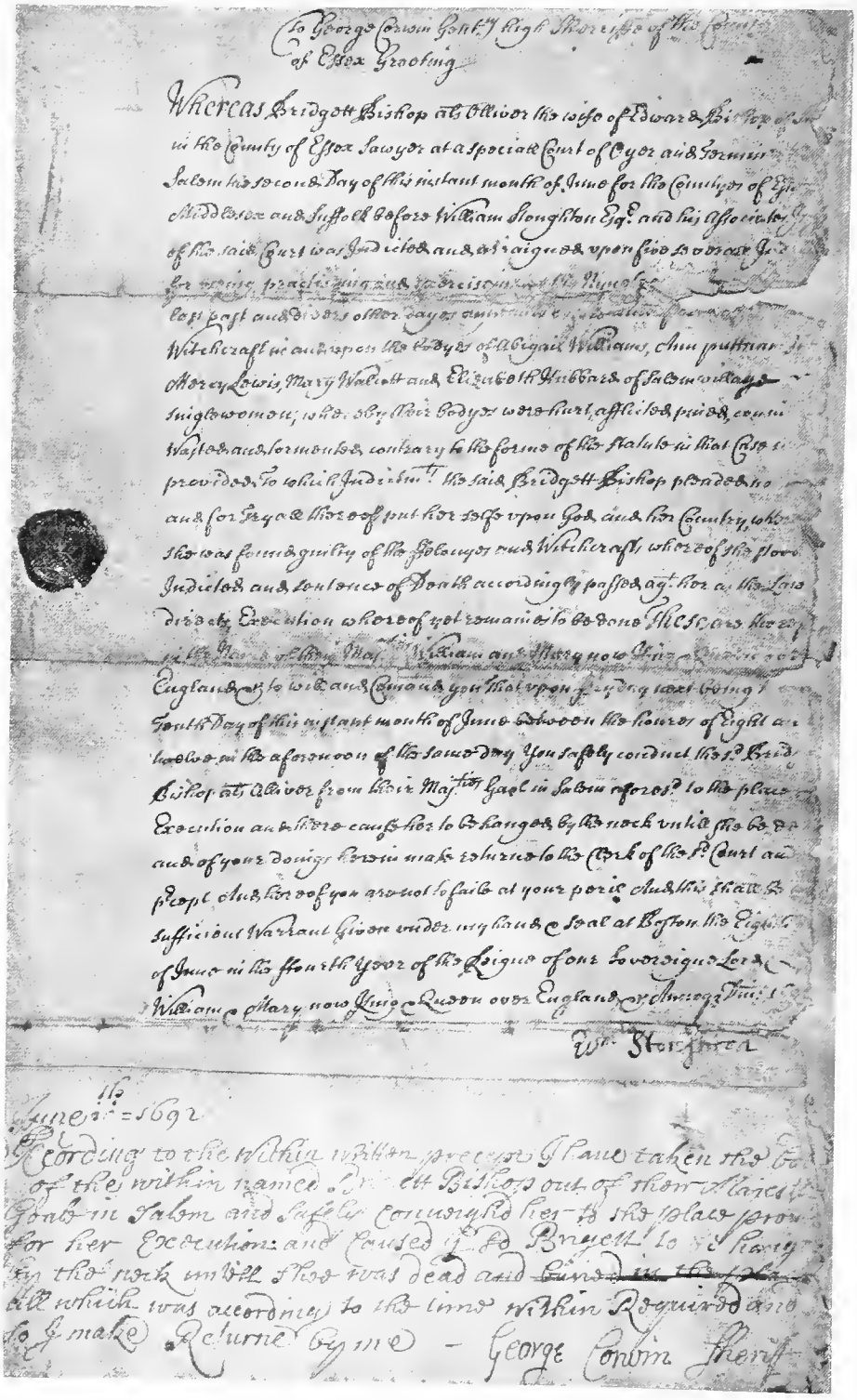
LEONARD A. JONES, A. B., LL. B. AND CONRAD RENO, LL. B.

VOLUME I

THE CENTURY MEMORIAL PUBLISHING COMPANY
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1901

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The Judiciary and the Bar of New England for the Nineteenth Century. . . .



To George Corwin Gent.ᵗ High Shreife of the County of Essex Greeting

Whereas Bridgett Bishop alᵗˢ Oliver the wife of Edward Bishop of Salem in the County of Essex Sawyer at a special Court of Oyer and Terminer held at Salem the second Day of this instant month of June for the County of Essex Middlesex and Suffolk before William Stoughton Esq.ᵉ and his Associates Justices of the said Court was Indicted and arraigned upon five several Indictments for severall wicked Acts of Witchcraft by them committed and perpetrated on the Bodyes of Abigail Williams, Ann Putnam Jun.ʳ Mercy Lewis, Mary Walcott and Elizabeth Hubbard of Salem Village Single women, whereby their Bodyes were hurt, afflicted, pined, consumed, wasted and tormented, contrary to the forme of the Statute in that case provided, To which Indictments the said Bridgett Bishop pleaded not guilty and for Tryall thereof put her self upon God and her Country, whereupon she was found guilty of the Felonyes and Witchcrafts whereof she stood Indicted and sentence of Death accordingly passed against her as the Law directs Execution whereof yet remains to be done These are therefore in their Majᵗʸˢ Name William and Mary now King and Queen over England &c to will and Command you that upon Friday next being the fourth Day of this instant month of June between the hours of Eight and twelve in the afternoon of the same day You safely conduct the said Bridgett Bishop alᵗˢ Oliver from their Majᵗʸˢ Gaol in Salem aforesaid to the place of Execution and there cause her to be hanged by the neck until she be Dead and of your doings herein make returne to the Clerk of the said Court and this Precept shall not be of you or any of you at your perils and this shall be your sufficient Warrant Given under my hand & Seal at Boston the Eighth of June in the fourth Year of the Reigne of our Sovereign Lord & Lady William & Mary now King & Queen over England &c Annoq Dom 1692

Wᵐ Stoughton

June 8ᵗʰ 1692

According to the within written precept I have taken the Body of the within named Bridgett Bishop out of their Majᵗʸˢ Gaol in Salem and safely conveyed her to the place prepared for her Execution and caused the Body of the said Bridgett to hang by the neck until she was dead and buried in the place appointed for Execution which was according to the time within Required and this I make Returne by me — George Corwin Sheriff

Photographic Copy of the Death Warrant of Bridget Bishop, Hung for Witchcraft at Salem, in 1692.

The Judicial System of New England.

A History of

The Judicial System of New England.

BY

CONRAD RENO, LL. B., Member of the Boston Bar.

The Judicial System of New England.

CHAPTER I.

EARLY FORMS OF TRIAL AND PUNISHMENT.

Section 1. Brief Survey.

The Pilgrims and Puritans were familiar with the forms of civil and criminal procedure which prevailed in England in the early part of the seventeenth century, and upon reaching the shores of New England, they adopted and enforced the main features of the English system of trials, punishments and judicial proceedings. There was, however, no slavish imitation of old-world methods. Only such laws and customs were enforced as seemed adopted to their new surroundings and condition, and many improvements and innovations were introduced in practice. Trial by ordeal and trial by battle were never allowed in the United States,[1] and in general the laws were less harsh and more humanely administered than in England.[2]

The number of capital crimes was greatly lessened, and the death penalty imposed for only the greatest crimes. At a time when upward of one hundred crimes and offences were punishable with death in England, and the country was red with blood, the Puritans of Massachusetts reduced the number of such crimes to fifteen. In the Body of Liberties of 1641, Article 94, the following crimes were punishable with death: (1) Worshipping any other God but the Lord God; (2) witchcraft, a witch being defined as a person who "hath or consulteth with a familiar spirit"; (3) blasphemy; (4) wilful murder; (5) slaying a person suddenly, in anger or cruelty of passion; (6) slaying a person "through guile, either by poysoning or other such devilish practice"; (7) beastiality; (8) sodomy; (9) adultery; (10) stealing "a man or mankinde"; (11) perjury, "wittingly and of purpose, to take away any man's life"; (12) treason; (13) rebellion; (14) insurrection; (15) invasion.

Judge Zephaniah Swift of Connecticut, writing in 1796, stated that there were then one hundred and seventy-six crimes punishable with death in England, without benefit of clergy, and sixty-five where the benefit of clergy was allowed; and that in Connecticut

[1] Brown, J., in Holden v. Hardy, 169 U. S. 366, 386; 1 Hale's History Common Law, 188.

[2] Hubbard's New England (ed. 1848), p. 159.

at the same time there were only six capital crimes, namely, treason, murder, rape, the crime against nature, mayhem, and arson, where life is endangered.[1]

Lord Macaulay's witty criticism of the Puritans to the effect that they objected to bear-baiting not because it gave pain to the bear, but because it gave pleasure to the spectator, seems undeserved, at least as applied to the Puritans of Massachusetts. In 1641 two laws were enacted for the special protection of the brute creation, and were included in the hundred fundamental laws known as the Body of Liberties. Article 92 expressly declared that: "No man shall exercise any tiranny or cruelties toward any bruite creature which are usuallie kept for man's use." And Article 93 further provided that: "If any man shall have occasion to leade or drive cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, it shall be lawful to rest or refresh them for a competent time, in any open place that is not corne, meadow, or inclosed for some peculiar use."

Persons accused of felony were allowed counsel and witnesses.[2] Trial by jury was the usual form of trial, both in civil and in criminal matters. In prosecution for crime, an indictment by a grand jury before the trial by petty jury was customary.

In some of the early trials in Plymouth Plantation, all of the freemen seem to have participated. At the trial of Lyford and Oldham in 1624 for plotting against the Government of Plymouth Plantation, Governor Bradford states that the governor "called a courte and summoned the whole company to appear."[3] At this trial the governor sat not only as a judge, but acted also as the prosecuting attorney, and it was largely, if not entirely, through his exertions that a conviction was obtained.

The original Charter was framed for the purposes of a trading and land corporation, and not for the purpose of establishing a government. The Mayflower passengers, however, paid very little attention to this fact, and early created a court, consisting of the governor for the time being, and a certain number of assistants. The number was only one assistant at first, but in 1624 it was increased to five, and afterwards to seven.[4] This court administered both civil and criminal law, and imposed fines, whippings and punishments of different kinds, without doubt of their authority, until a capital crime was perpetrated. The Charter did not in express terms confer the power of imposing the penalty of death, but self-preservation required the exercise of this power.[5]

Section 2. Trials of John Billington.

In 1630, John Billington, who had always proved an unruly member of the community, waylaid John Newcomen, against whom he had a grudge on account of an old quarrel, and shot him with his gun. Billington was therefore arraigned for murder by a grand jury, was tried and found guilty by a petty jury, and was sentenced to be hanged. Billington objected to this extreme penalty of the law, on the ground that the court had no power to impose capital punishment. The governor and his assistants hesitated and held the matter under advisement for some time, and consulted with Governor Winthrop, who

[1] Swift's System of Conn. Laws, vol. 2, pp. 293, 296.
[2] Swift's System of Conn. Laws, vol. 2, pp. 398, 399; Brown, J., in Holden v. Hardy, 169 U. S. 386.
[3] Bradford's History Plymouth Plantation, p. 210 (ed. 1898).
[4] Bradford's Hist. Plymouth, p. 187 (ed. 1898).
[5] Hutchinson's Mass. Bay, II, 3.

had then recently arrived from England, with the Charter of 1629, which conferred greater governmental powers. Winthrop's opinion was that "he ought to dye and the land to be purged from blood." Billington was accordingly hung, and this was the first execution which took place under judicial proceedings in the infant colony.[1]

John Billington, although he came over in the Mayflower, gave early indications of his desperate character. In March, 1621, he committed the first offence for which punishment was inflicted in the Colony. He refused to obey the lawful commands of Captain Miles Standish, and had the temerity to treat him with contempt and opprobrium. For this unseemly conduct he was "convented before the whole company," and was sentenced to lie in a public place with his neck and heels tied together. In June, 1625, Governor Bradford characterized Billington as "a knave, and so will live and die," and subsequent events justified the governor's opinion of the man.[2]

As the great criminal of Plymouth Plantation, we are indebted to Billington for settling many of the forms of criminal procedure and punishment.

Although trial by battle was not permitted by law in the colony, there was at least one memorable occasion on which a notable personage expressed the desire to settle his dispute in this form. In 1631, Thomas Dexter brought an action for assault and battery against John Endicott of Salem. The case was tried at Boston, and the jury returned a verdict of ten pounds damages against Endicott; which so angered the meek ruler of Salem that he exclaimed: "If it were lawful to try it at blows, and he a fit man for me to deal with, you should not hear me complain."[3]

Section 3. Trial by Battle. Dexter v. Endicott.

Wager of Battle was allowed in England until 1818, when it was abolished by statute of 59 Geo. III, c. 46. *Ashford v. Thornton*, 1 Barn. & Ald., 405, decided in 1818, in the King's Bench, was the last case in which this mode of trial was recognized as valid. The appellee in an appeal of death pleaded "Not guilty; and I am ready to defend the same by my body." And thereupon taking his glove off, he threw it upon the floor of the court. (P. 409.) The appellant declined to accept this mode of trial, and the appellee was accordingly discharged.

Banishment was a favorite form of punishment. It sometimes was carried to the extreme of reshipment of the culprit to England, as in the case of the rebel, Thomas Morton. But this was expensive and troublesome, and the usual sentence was merely expulsion from "the place," or from "the limits of this patent," before a day named. In 1624, Lyford and Oldham were sentenced by Governor Bradford of Plymouth Plantation to be "expelled the place," upon conviction of sedition and plotting against the government.[4] In 1631, Thomas Walford, of Charlton, a smith by trade, was fined ten pounds for his contempt of authority and confronting officers, etc., and was ordered by Governor Winthrop to depart *with his wife* "out of the limits of this patent before the 20th day of October next, under

Section 4. Banishment. Tying by Neck and Heels, etc.

[1] Bradford's History Plymouth, pp. 329, 330 (ed. 1898); Savage's Winthrop, vol. 1, p. 43; Hubbard, p. 101.

[2] Savage's Winthrop, vol. 1, p. 43; Goodwin's Pilgrim Republic, p. 160.

[3] Savage's Winthrop, p. 64.

[4] Bradford's History, p. 219 (ed. 1898).

pain of confiscation of his goods." Whether his punishment was increased or diminished by his wife's company, does not clearly appear, though it does appear that in 1656 one Jane Walford was accused of witchcraft, but defended herself successfully and afterwards recovered damages from her accusers.[1]

In 1633, Captain Stone was banished and fined one hundred pounds for calling one of the magistrates (Mr. Ludlow) "Just Ass" for "Justice."[2] The most illustrious victim of this form of punishment was Roger Williams, who was banished from the Colony of Massachusetts in 1635, as "a disturber of the peace, both of the church and Commonwealth."[3]

Tying the culprit by his neck and heels was usual for minor offences. John Billington set the fashion upon this matter in March, 1621. In June, 1621, Edward Dotay (or Dotan) and Edward Lister, two young men of hot blood, indulged in the first duel at Plymouth. Neither was seriously injured; but the authorities were outraged and summoned the duellists to appear before the whole company, who ordered that the offenders have their heads and feet tied together, and remain in this condition twenty-four hours without food.[4]

The stocks were much in request by the authorities. The case of Edward Palmer illustrated the danger of making stocks too uncomfortable. In 1639 Palmer made some stocks for Boston, for the wood work of which he charged one pound, thirteen shillings and seven pence. The General Court solemnly decided this charge to be extortionate, and fined poor Palmer five pounds, and ordered him to be "set an hour" in his own stocks. His fine was afterwards reduced to ten shillings; but he seems to have had the honor of being the first occupant of these stocks.[5]

The wearing of a cleft stick upon the tongue was considered an appropriate punishment for one who indulged in the pastime of slander. In 1638 the wife of Thomas Oliver of Salem was convicted of slandering the elders of the church, and was accordingly sentenced to carry her tongue in a cleft stick for half an hour.[6] It is not known whether the stick was of oak or of hickory; but it is probable that the elders of the church had a hand in its manufacture.

Whipping was also common, with a saving in favor of any true gentleman. It was provided in 1641 by Article 43 of the Massachusetts Body of Liberties that: "No man shall be beaten with above forty stripes, nor shall any true gentleman, nor any man equall to a gentleman be punished with whipping, unless his crime be very shamefull, and his course of life vitious and profligate."

Section 5. Whipping. Degradation of Rank.

Degradation of rank or title was occasionally imposed. In 1631, Mr. Josias Plaistowe and his two servants, upon conviction of stealing four baskets of corn from Chickatabot and his Indians, was degraded from his title of gentleman, and it was ordered that he should subsequently be called by the name of Josias, without, as formerly, the prefix Mr. He was also directed to return eight baskets of corn to the Indians and fined five pounds, while his servants were let off with a whipping.[7]

In 1641 it was ordained by the Massachusetts Body of Liberties, Article 46, as follows: "For bodilie punishments we allow amongst

[1] Savage's Winthrop, p. 64.
[2] Hubbard, p. 156.
[3] Hubbard, 207;
Savage's Winthrop, I, 204.
[4] Goodwin's Pilgrim Republic, pp. 160, 161.
[5] Savage's Winthrop, II, 85.
[6] Felt's Salem, 118;
Savage's Winthrop, I, 340.
[7] Savage's Winthrop, p. 74.

us none that are inhumane, barbarous, or cruel."

Hanging was the usual form of capital punishment.

Burning at the stake was very rarely practised by the whites, although it was practised upon them by the Indians. In 1749, however, a negro named Philis was burned in Charlestown for poisoning his master. His co-conspirator and accessory, also a negro, named Mark, was hung in irons upon a gibbet at the same time.[1]

Section 6. Cruel Punishments Prohibited.

The only instance in New England of the horrible punishment of pressing to death, occurred during the phrensy of the witchcraft trials at Salem in 1692. After many persons had been convicted and hung, Giles Corey, an octogenarian of Salem Farms, was put on trial. Realizing that he could not escape conviction, and wishing to save his property for his children, he stood mute, and refused to plead either guilty or not guilty, in order to prevent a forfeiture to the king if he were convicted of this felony. The special court of Oyer and Terminer which had been commissioned by Governor Phips to try these cases, thereupon imposed this frightful form of torture, to which he succumbed on September 19, 1692.[2]

In 1641, shortly before the adoption of the Body of Liberties, the question of the power of a magistrate to exact a confession from one accused of a capital crime, was much discussed. Although there was some difference of opinion upon this subject, the general view of the magistrates and elders was that an examination under oath or by torture was not lawful; but where there was one witness or strong presumptions against the accused, the magistrate could examine him strictly, and compel an answer, though it imperiled his life; and where there was only slight suspicion against him, the magistrate ought not to press him to answer, but allow him to remain silent, and to call for his accusers.[3]

Torture in a mild form and in exceptional cases was allowed by the early laws of Massachusetts. In the Body of Liberties of 1641, Article 45, it was enacted that: "No man shall be forced by torture to confesse any crime against himselfe nor any other, unlesse it be in some capitall case where he is first fullie convicted by clear and sufficient evidence to be guilty; after which if the cause be of that nature that it is very apparent there be other conspirators, or confederates with him, then he may be tortured, yet not with such tortures as be barbarous and inhumane."

A very peculiar case of posthumous punishment occurred in Rhode Island in 1707. A slave in Kingston, having murdered his master's wife, drowned himself. The Rhode Island Assembly ordered that his head, legs and arms should be hung up in some public place near Newport, and his body burnt to ashes.[4]

The Forefathers were not lacking in ingenuity in devising punishments to fit the crimes, as may be inferred from the preceding list, which is not exhaustive.

Ear-cropping and branding were also in vogue. In order to identify the crime as well as the criminal, it was customary to brand adulterers with the letter A; burglars with the letter B; forgers with the letter F; and incestuous persons with the letter I.

The principle of the habitual criminal acts

[1] Mass. Hist. Col. (2d series), vol. 2, p. 166.
[2] Washburn's Jud. Hist. Mass. p. 142; Barry's Hist. Mass. (2d ed.), p. 38; Hutchinson, vol. II, p. 60.
[3] Savage's Winthrop, II, 56.
[4] Arnold, Hist. R. I., II, 29.

of recent times was recognized and enforced by the Court of Assistants in Massachusetts as early as 1633. In that year Governor Winthrop informs us that Robert Cole "having been oft punished for drunkenness," was sentenced to wear a red D about his neck for a year.[1]

Benefit of clergy was allowed in Massachusetts as late as 1773. James Bell having been convicted of manslaughter in the Superior Court at Boston, in March, 1773, pleaded the benefit of clergy, and was discharged with merely a hand burning. It was also allowed for burglary in 1770, and the burglars suffered only burning in the hand.[2]

The inviolability of the person was in general recognized and preserved, in the judicial systems of England and New England. It was only in exceptional cases, based upon special and peculiar grounds, that the courts could compel an inspection of the person, either in criminal or in civic matters. Nearly all of these cases were founded upon ancient practice of a barbarous nature, and some of them were never introduced or adopted in this country.

Section 7. Inspection of the Person. Witchcraft, Divorce. Personal Injuries.

In the English trials for witchcraft an important feature was the compulsory inspection of the person of the prisoner for witch-marks. The belief was general and was also adopted by the courts, that every witch had a familiar spirit or devil's imp, which received nourishment at least once in twenty-four hours from the body of the witch. A mole or a wart or even a flea bite was often found to be an imp's teat, and was a most damaging piece of evidence against the accused. The purpose of the inspection was to discover any mark of a preternatural nature, in order to show that the accused was in league and covenant with the devil and had sold himself, body and soul, to the devil.

This inspection of the witch's person was also practised in New England, at Boston, Salem and elsewhere. In the case of Margaret Jones, who was tried at Boston in 1648, before Governor Winthrop and the Assistants, her body was examined; but where and by whom the inspection was made do not appear.[3]

At the Salem witchcraft trials in 1692, when the accused was a woman, the search for witch-marks was made by a special jury of nine persons, consisting of one man, a physician, and eight women. This jury reported the result of the search to the Court.[4] When the accused was a male, the examination seems to have been conducted by the same jury which tried him.[5]

In criminal trials the person of the accused is now protected from examination by constitutional provisions to the effect that no person shall be compelled to furnish evidence or to be a witness against himself.[6]

In divorce suits the courts of this country, as well as of England, have exercised the power of compelling a party to submit his or her person to inspection by surgeons or physicians in order to determine the question of impotence. When impotency is a ground of divorce, this power is necessary to enable the courts to exercise jurisdiction in divorce, and it is founded upon the interest which the public,

[1] Savage's Winthrop, I, 149.
[2] Washburn's Jud. Hist. Mass. p. 194;
Quincy's Mass. Reports, 53 note;
1 Hutchinson's Hist. Mass. (3d ed.), 388 note.
[3] Savage's Winthrop, II, 397.
[4] 2 Hutchinson, 59 note, 2d ed.
[5] Washburn, 143.
[6] Emery's Case, 107 Mass. 172;
State v. Nowell, 58 N. H. 314;
Counselman v. Hitchcock, 142 U. S. 547.

as well as the parties, have in the marriage relation.[1]

In suits for personal injuries occasioned by the defendant's negligence, an inspection of the plaintiff's person by surgeons or physicians acting on behalf of the defendant, has not until recent years been compelled by the courts. It was in 1868 that the first compulsory order for such an examination of the plaintiff was made in this country, and none has ever been made in England.[2] This rule has since been adopted in some of the Western and Southern States.[3] The penalty for non-compliance does not extend to fine or imprisonment, as it is not a contempt of court; but merely to a dismissal of the action, or a stay of trial.

The better rule, however, seems to be that the courts, in the absence of a special statute conferring this power, have no authority to compel a physical examination in personal injury suits. It is not a matter of public interest, such as divorce, and the danger of fraud and imposition may be prevented in other ways, without invading the sacredness of the person. If the plaintiff unreasonably refuses to permit an examination, the fact may be shown at the trial and considered by the jury in reaching a verdict.[4]

Section 8. Inspection by a Jury of Matrons.

The jury of matrons to determine the question of pregnancy of a widow, was the only case known to the common law of England in which women were allowed to take part in the administration of justice, either as judges, jurors, attorneys, solicitors or barristers.[5] This jury was permitted by the common law of England when a man died without children, and his wife claimed to be with child; in which case the heir at law or devisee was allowed a writ to inspect her in order to protect his rights to the estate. The jury of matrons were empannelled by the sheriff, and if they found upon due inspection that she was pregnant, she was kept under restraint until delivered.[6] This writ has been issued in England in quite recent times;[7] but no instance is known of its ever being issued in the United States. It seems safe to affirm that no jury of matrons ever sat upon an afflicted widow in New England; and that this part of the English common law was not adopted here,[8] though, in 1795, Judge Swift of Connecticut naively and cautiously remarked that "in this State there has *hitherto* been no occasion to adopt this law."[9]

The nearest approach to a jury of matrons in this country probably occurred in the case of Jane Baldwin of Mount Wollaston, Massachusetts. Job Tiler having confessed in 1637 to an attempt to have carnal knowledge of the body of said Jane, she was examined or searched as Governor Winthrop states by "women," who "found no act committed."[10] It does not appear how many women took part in this inspection, nor whether they were matrons, nor whether they were duly empannelled.

The devilish delusion known as witchcraft ravaged England, France, Germany, Spain,

[1] Le Barron v. Le Barron, 35 Vt. 365;
Devanbagh v. Devanbagh, 5 Paige, 554;
Union Pacific Ry. v. Botsford, 141 U. S. 250, 252;
Briggs v. Morgan, 3 Phillimore, 325.

[2] Walsh v. Sayre, 52 How. Pr., 334 (1868).

[3] Schroeder v. Chicago Ry., 47 Iowa, 375;
Atchison Ry. v. Thul, 29 Kans. 466;
Missouri Pacific Ry. v. Johnson, 72 Texas, 95;
Richmond Ry. v. Childress, 82 Georgia, 719.

[4] Union Pacific Ry. v. Botsford, 141 U. S. 250;
McQuigan v. Delaware Ry., 129 N. Y. 50;
Parker v. Enslow, 102 Illinois, 272.

[5] Gray, C. J., in Robinson's Case, 131 Mass. 376, 377.

[6] 1 Blackstone's Commentaries, 456.

[7] In re Blackmore, 14 Law Journal (N. S.), 336.

[8] Gray, J., in Union Pac. Ry. v. Botsford, 141 U. S. 253.

[9] Swift's System, vol. 1, p. 208.

[10] Savage's Winthrop, II, 426.

Italy, Switzerland and Sweden in the sixteenth and seventeenth centuries. Thirty thousand persons were executed in Great Britain, seventy-five thousand in France, and one hundred thousand in Germany. The belief in the existence of witches was general among all classes of people, clergymen, judges, lawyers and doctors—the educated as well as the ignorant. In England, Sir Matthew Hale and Sir William Blackstone are well known instances of this opinion. In 1662, at the trials of Rose Cullender and Amy Duny upon this charge the former declared:

Section 9. Witchcraft Trials. Hale and Blackstone. Hopkins's Water-Test.

"That there were such creatures as witches, he made no doubt at all; for 1st, the Scriptures had affirmed so much; 2d, the wisdom of all nations had provided laws against such persons, and such had been the judgment of this kingdom."[1] They were found guilty and hung.

Blackstone writing in his Commentaries many years after the belief had spent its force, states: "To deny the possibility, nay, actual existence of witchcraft and sorcery is at once flatly to contradict the revealed word of God in various passages in both the Old and New Testament."[2]

During the second quarter of the seventeenth century, witches were hung by the thousands in England. Matthew Hopkins acted as Witch-Finder-General, and became famous for his methods of searching and watching persons accused, or even suspected, of witchcraft. He also invented a water-test for the detection of witches, which was supposed to be infallible. If the accused floated on the surface of the water, she was surely a witch, because the water refused to receive her into its bosom. The reason was thus explained by the most learned fool of his century, King James I of England: "It appears that God had appointed (for a supernatural sign of the monstrous impiety of witches) that the water shall refuse to receive them in her bosom that have shaken off them the sacred water of baptism and wilfully refused the benefit thereof."[3] The only conclusive evidence of innocence was drowning, and many persons probably saved their necks by suffocation in the water.

The water-test for witchcraft was also tried in the case of Mercy Disborough of Compo in Fairfield, Connecticut, in September, 1692, and four witnesses swore that although she was bound hand and foot and one of them tried to press her down, she "swam like a cork." She was found guilty, but apparently was not executed. Goody Miller, Elizabeth Clawson and Mrs. Staples were also tried at this time for familiarity with the devil, but were acquitted.[4]

In New England the executions for witchcraft numbered only thirty-two. Twenty persons suffered death at Salem in 1692, and the other twelve were executed elsewhere in Massachusetts and in Connecticut. In the Body of Liberties of 1641, Article 94, section 2, a witch is defined as a man or woman "who hath or consulteth with a familiar spirit," and the penalty prescribed by the same section was death.

Section 10. Witch Trials at Hartford, Boston and Portsmouth.

The first person to suffer death for witchcraft in New England was a woman of Windsor, Connecticut, whose name is now unknown, who was arraigned and executed at Hartford

[1] Hale's Pleas of the Crown, ch. 33; Appendix to Jefferson's (Va.) Reports, 141, 142.
[2] 4 Blackstone, 61.
[3] Quoted in Savage's Winthrop, II, 369.
[4] Sanford's Hist. Conn. 101 (1887).

in 1646 or 1647.[1] The details of her trial are lacking and Dr. Trumbull in his History of Connecticut says that "after the most careful researches, no indictment of any person for that crime, nor any process relative to that affair can be found."

The trial of Margaret Jones at Boston in 1648 was historic. It occurred before Governor Winthrop, Deputy Governor Dudley, and the following assistants: John Endicott, Richard Bellingham, Richard Saltonstall, Increase Nowell, Simon Bradstreet, William Hibbins, John Winthrop, jr., and William Pynchon. She was compelled to submit her person to a search for witch-marks, and Governor Winthrop says the search disclosed "an apparent teat in her secret parts as fresh as if it had been newly sucked; and after it had been scanned, upon a forced search, that was withered, and another began on the opposite side." She was also watched according to the method discovered by the great Witch-Finder-General Hopkins of England, whereby it was proved beyond all doubt that she had an imp, spirit, or familiar in the shape of a little child, which is thus related by Governor Winthrop: "In the prison, in the clear day light, there was seen in her arms, she sitting on the floor, and her cloths up, etc., a little child, which ran from her into another room, and the officer following it, it was vanished. The little child was seen in two other places to which she had relation; and one maid that saw it, fell sick upon it, and was cured by the said Margaret, who used means to be employed to that end."[2]

The devil's imp, or spirit, appeared in many different forms, among which the most popular were those of dogs, cats, foals, hares, rats, toads, boys, men and women. The belief was that once a day the imp came to suck, and the purpose of watching the accused was to discover the imp or spirit. In order that the imp might have an easy means of access, a hole was made in the door of the room where the witch was confined.

The other evidence of witchcraft against Margaret Jones was that she had a malignant touch, which caused many persons when stroked or touched by her, either in affection or displeasure, to be taken with deafness, vomiting, or other violent pains or sickness; that she practised physic, and although her medicines were harmless in their nature, yet "they had extraordinary violent effects"; she told people who would not use her physic that they would never be healed, and their diseases and hurts continued beyond the apprehension of all physicians and surgeons; "some things which she foretold came to pass accordingly; other things she could tell of (as secret speeches, etc.) which she had no ordinary means to come to the knowledge of." The jury found her guilty, and Governor Winthrop vouches for the fact that "the same day and hour she was executed there was a great tempest at Connecticut which blew down many trees, etc."[3]

The Rev. William Hubbard, writing about 1680, remarks in connection with this execution of Margaret Jones in a chapter entitled "Memorable Accidents in New England from the year 1646 to 1651," as follows (page 530):

"Soon after she was executed, a ship riding over against Charlestown, of three hundred tons, having in her hold an hundred and twenty tons of ballast, and eighty horses aboard her for the Barbadoes, was on the sudden observed to roll, as if she would have turned over. The husband of that witch, lately executed, had

[1] Savage's Winthrop, II, 374.
[2] Savage's Winthrop, II, 397.
[3] Savage's Winthrop, II, 397, 398.

desired passage in that ship to Barbadoes, which not obtaining, that accident was observed to follow. Notice being given of this to the magistrates then sitting in Court at Boston, a warrant was sent to apprehend him, and as the officer was passing therewith over the ferry, one asked if he could not tame the vessel, seeing he could sometimes tame men; he answered, I have that here which, it may be, will tame her and make her quiet, shewing his warrant, and at the same instant the ship began to stop her motion and swim upright, which had continued rolling after a strange manner about twelve hours, and after Jones was in prison she never moved in that kind any more."

The trials of Mrs. Ann Hibbins in 1655 and 1656 are chiefly distinguished by reason of the social position, education and intelligence of the accused, and because the magistrates refused to accept the jury's verdict of guilty and the case was decided by the General Court. Mrs. Hibbins was the widow of William Hibbins, a prominent Boston merchant, and a sister of Richard Bellingham, who was governor in 1641 and deputy governor at the time of her trial. Her husband had been the Colony's agent in England, and was one of the governor's assistants from 1643 to the time of his death in 1654. Her mind seems to have been deranged by the loss of wealth, and she became turbulent and was cast out of the church. Her person was searched for witch-marks, and her boxes and and chests searched for puppets, images, etc. She made many enemies, but many persons thought her unjustly condemned. In the language of Governor Hutchinson, who wrote of her case in 1765: "It fared with her as it did with Joan of Arc in France — some counted her a saint and some a witch, and some observed marks of Providence set upon those who were very forward to condemn her."[1]

The details of these trials are very meagre. Governor Winthrop was dead, and the two great writers upon this theme, Increase and Cotton Mather, had not appeared upon the scene. On May 14, 1656, Mrs. Hibbins was called and appeared at the bar of the General Court; the indictment was read, and she answered not guilty, and was willing to be tried by God and the General Court. The evidence against her was read, the witnesses being present at the time but not testifying in person, and she then replied, and her answers were considered by the court. It was determined, the whole court being met together, that she was guilty of witchcraft, "according to the bill of indictment found against her by the jury of life and death. The governor in open court pronounced sentence accordingly, declaring she was to go from the bar to the place from whence she came, and from thence to the place of execution, and there to hang till she was dead."[2]

In 1656, Goodwife Walford was accused of witchcraft by Susannah Trimmins, and was tried before the Court of Assistants at Portsmouth. Mrs. Trimmins testified that she met Goodwife Walford in the woods on Sunday night who requested the loan of a pound of cotton, which she refused. They separated and Mrs. Trimmins stated that she was "struck as with a clap of fire on the back," and that the accused vanished toward the water side "in the shape of a cat." Mr. Trimmins and several others testified that Mrs. Trimmins was ill and nervous for some time after this encounter; but none of them equalled the cat story. The accused was not represented by counsel, and

[1] Hutchinson's Hist. Mass., I, 173 (ed. 1795); Hubbard's Hist. New England, 574.

[2] Mass. Records, IV, pt. I, 269.

was denied the right of cross-examination. She was found guilty but was not executed.[1]

The trial of Goody Glover in November, 1688, is remarkable for the experiments which the poor demented woman was made to perform in court. Some small images or puppets, made of rags and stuffed with goat's hair, were found in her house and produced at the trial. The charge against her was that of bewitching the children of John Goodwin. She confessed that she tormented the children by wetting her finger and stroking the images. Under the judges' orders she performed this experiment twice in court, and each time one of the children present fell into fits in the presence of the jury. She confessed further that she had a prince, with whom she had communion, and at night she was heard expostulating with a devil for deserting her. She was accordingly hung as a witch.[2]

Rhode Island enjoys the distinction of entire freedom from the witchcraft delusion, and no prosecutions ever occurred upon that charge. Her historian attributes this to the fact that Rhode Island "had suffered too much from the superstition and the priestcraft of the Puritans, readily to adopt their delusions, and there was no State clergy to stimulate the whims of their parishioners."[3]

Section 11. Trials at Salem for Witchcraft.

In 1692 occurred the most memorable epidemic of witchcraft ever witnessed in America, and Salem was a hot-bed of witches. There was great popular excitement, and the jails in Essex, Middlesex and Suffolk counties were full of persons accused of that crime awaiting trial. Sir William Phips had been appointed the first governor of the Province under the Charter of William and Mary of 1691. He was a firm believer in witches, and one of his first official acts was to commission a special Court of Oyer and Terminer for the purpose of trying witches in these three counties. This court consisted of seven judges, William Stoughton, chief justice, and the following associate judges: Nathaniel Saltonstall, afterwards succeeded by Jonathan Curwin; John Richards, Bartholomew Gedney, Wait Winthrop, Samuel Sewall, and Peter Sargent. These judges sat as a full bench and decided all questions of law upon the spot during the trials. No appeal was allowed. The commission was dated June 2, 1692, and the same day the court convened at Salem and commenced the trial of witches. The court sat five days, namely June 2, June 28, August 3, September 9 and September 17, 1692, and twenty persons were tried by jury, found guilty, sentenced and executed. Nineteen were hung, and one old man, Giles Corey, was pressed to death for standing mute.

Bridget Bishop, alias Oliver, was the first person tried at Salem for witchcraft. She had been charged with witchcraft twenty years before, but her accuser confessed on his death bed that the charge was false. She was of a fractious temper and much disliked in the neighborhood. The afflicted persons and the "confessors" testified that they had seen the prisoner's spectre, and an excrescence was found upon her body, which was believed to be an imp's teat. The jury considered this sufficient evidence of witchcraft, and returned a verdict of guilty; the judges sentenced her to suffer death,

[1] Adams's Portsmouth, 38–40 (1825); Barstow's Hist. N. H. 62-66 (1842).

[2] Cotton Mather's "Memorable Providences" (1689); "Witchcraft in Boston," by Wm. F. Poole, in Memorial History of Boston, II, 142, 143.

[3] Arnold's R. I., 525.

and on June 10, 1692, she was hung by the high sheriff of Essex county.[1]

At her trial as well as at the later trials at Salem, all the rules of evidence, justice and constitutional rights, as now recognized, were repeatedly violated. Any person who would say anything *against* the accused was brought into court and allowed the utmost freedom in giving his testimony. The right of cross-examination was denied the prisoner, and not one of those tried seems to have been represented by counsel. Self-confessed witches were required to tell what they knew of the accused, and the bewitched persons were permitted to state that their afflictions were caused by the prisoner. In one case (Wardwell's) a wife was allowed to testify against her husband. The jury searched the person of the supposed witch for witch-marks; the judges brow-beat the witnesses and the jury; and the populace overawed the judges and the juries, and cried aloud for blood.

The admission of "spectral" evidence against the accused was perhaps the worst feature of these trials—bad as they were in other respects. This occasioned a great dispute, and was considered a matter of such importance that Governor Phips and his Council requested the opinion of several of the principal ministers upon this question of evidence, among other matters arising out of the Salem trials. On June 15, 1692, the ministers returned a formal written reply, in which they condemned the use of spectral evidence, and stated that to justify a conviction of witchcraft the evidence "ought certainly to be more considerable than barely the accused person's being represented by a spectre unto the afflicted; inasmuch as it is an undoubted and a notorious thing that a demon may, by God's permission, appear, even to ill purposes, in the shape of an innocent, yea, and a virtuous man."[2]

In Rebecca Nurse's case the first jury brought in a verdict of not guilty, which so enraged the accusers and the populace that the judges felt obliged to refuse to accept the verdict, and the same jury was sent out again, after being lectured by the chief justice, who also stated that the jury must have overlooked an important piece of evidence, to wit, the prisoner's surprised exclamation when a fellow-prisoner testified against her. She was allowed to state that she was surprised, and that she was so deaf that she could not hear what the foreman of the jury said. The jury then returned a verdict of guilty, and Rebecca Nurse was hung. Though the judges then had the power to accept a verdict of not guilty, the power was very seldom exercised.[3]

Giles Corey for standing mute was ordered by the court to be pressed to death, and the order was executed on September 19, 1692. The superstition and credulity of the times are shown by the following entry in Judge Sewall's Journal under date of September 20, 1692: "Now I hear from Salem that about eighteen years ago he (Corey) was suspected to have stamped and pressed a man to death, but was cleared. It was not remembered till Anne Putnam was told of it by said Corey's spectre, the Sabbath day night before the execution." The villain of the seventeenth century has become the hero-martyr of the nineteenth, and has been immortalized by the poet Longfellow in his tragedy entitled "Giles Corey of the Salem Farms."

[1] 2 Hutchinson, 49;
Barry's Hist. Mass. (2d ed.), 37.

[2] 2 Hutchinson (2d ed.), 49-51.

[3] Upham's Lectures, 84;
2 Hutchinson (2d ed.), 52;
Washburn's Jud. Hist. 144.

The devil figured as a very conspicuous character in these proceedings. The allegations in the indictment against Mary Osgood, for instance, were "that Mary Osgood, about eleven years ago, in the town of Andover, wickedly, maliciously and feloniously a covenant with the Devil did make, and signed the Devil's Book and took the Devil to be her God, and consented to serve and worship him, and was baptized by the Devil and renounced her former Christian baptism, and promised to be the Devil's, both soul and body forever, and to serve him; by which diabolical covenant by her made with the Devil, she is become a detestable witch, against the peace, etc."[1]

Mary Osgood was the wife of Captain Osgood of Andover, was a highly respectable woman, and much esteemed by her neighbors. The above indictment was based upon an alleged confession taken before John Hawthorne and other justices on September 8, 1692, in which Mrs. Osgood was reported as saying, "that about 11 years ago, when she was in a melancholy state and condition, she used to walk abroad in her orchard; and upon a certain time, she saw the appearance of a cat, at the end of the house, which yet she thought was a real cat. However, at that time, it diverted her from praying to God, and instead thereof she prayed to the devil; who, as a black man, came to her and presented her a book, upon which she laid her finger and that left a red spot: And that upon her signing, the devil told her he was her God, and that she should serve and worship him, and, she believes, she consented to it. She says further, that about two years agone, she was carried through the air, in company with deacon Frye's wife, Ebenezer Baker's wife, and Goody Tyler, to five mile pond, where she was baptized by the devil, who dipped her face in the water and made her renounce her former baptism, and told her she must be his, soul and body, forever, and she must serve him, which she promised to do. She says, the renouncing her first baptism was after her dipping, and that she was transported back again through the air, in company with the forenamed persons, in the same manner as she went, and believes they were carried upon a pole."[2]

Anthony Checkley acted as attorney-general at some of the Salem trials, his commission having been issued by Governor Phips on July 7, 1692. He was a merchant and military man, and had no special education or training for the bar.

This special court adjourned from September 17, 1692, to the first Tuesday of November, and was dissolved in the meantime. The Charter of 1691 conferred upon the legislature the power of establishing courts. As this special court was not established by the General Court, but merely by the governor, it is generally regarded as having acted without authority of law.[3] The objection may be technically correct; but it should be noticed that the legislature was in session from June 8, to July 2, 1692, and that no statute was enacted or even proposed to stop the course of the trials at Salem. On the contrary, the old Colony law which made witchcraft a capital offence was revived.[4]

It is consoling to professional pride to know that none of the judges who sat at the Salem trials for witchcraft had been educated as lawyers. Chief Justice Stoughton and Judge Sewall were educated for the ministry; Judges Winthrop and Gedney were physicians, and

[1] Washburn, 142.
[2] 2 Hutchinson (2d ed.), 31.
[3] Washburn, 141.
[4] Hutchinson (2d ed.), II, 52.

the other judges were merchants or military men. Judge Saltonstall seems to have been the only one on the bench who was not carried away by the popular delusion and clamor. He left the bench early in the trials, probably because he disapproved of the proceedings. In 1697, Judge Sewall made a public confession in church of his errors and sins in connection with these witchcraft trials, and prayed forgiveness. The details of this confession are fully set forth in his journal under date of January 15, 1696–7.[1] Stoughton, however, remained a firm believer in witchcraft until his death, and seems never to have regretted the part he took in the Salem trials.

CHAPTER II.

Section 12. Union of Judicial and other Functions.

In striking contrast with the present separation of the powers of government into three departments—executive, legislative and judicial—was the early union of these powers. Powers now recognized as clearly judicial in their nature and pertaining exclusively to the courts were generally exercised by the legislature, and in some classes of cases the legislature retained this jurisdiction well into the nineteenth century.

The Massachusetts Charter of 1691 was the first important step in the direction of separating these departments.

Until 1707, the powers of the General Court of Massachusetts to try and sentence offenders for past offences, seems to have been exercised without objection from the English government, and was generally considered to be regular and proper in the Colony and Province under the charters of 1629 and 1691. Acting upon this view, the General Court, in 1706, tried Samuel Vetch, John Borland, Roger Lawson, William Rouse, John Phillips and Ebenezer Coffin for trading with the French and Indians at Nova Scotia; found them all guilty of the charge, which was prosecuted by the governor's son, Paul Dudley, acting as queen's attorney, and imposed sentences of fine and imprisonment. These sentences were, however, declared to be invalid by the Queen and her Privy Council at a meeting held on September 24, 1707, for the reason that the General Court had no power to try criminals, as that power resided in the courts of law, where the proceedings could be carried on by the ordinary rules and known methods of justice. The fines were accordingly remitted, and the parties ordered to stand a new trial at law, if prosecuted within a year.[2]

In 1678 the Rhode Island Assembly refused to take jurisdiction of the civil case of Sandford v. Forster, which had been twice tried by the General Court of Trials, composed of the governer and assistants, and disclaimed the power to review the judgments of that court, except in cases of criminal nature, or of mulct or fines. In 1680, however, the Assembly reasserted the right to review by appeal the judgments of the

[1] Washburn, 149, 260.

[2] 2 Hutchinson (2d ed.), 156–158.

General Court of Trials, and continued to exercise this power for many years.[1]

While judicial powers were exercised by the legislature, prior notice to the party bound by the judgment was not considered essential, though he was sometimes given time to move in arrest of judgment. An instance of this method of procedure is shown in the case of Mr. Williams of Pascataqua. In 1645 the General Court of Massachusetts hearing that Mr. Williams had in his possession a negro slave who had been fraudulently brought from Guinea by Captain Smyth, ordered him to surrender the slave in order that the General Court might cause him to be returned to his home. The judgment then continued: "And if you have anything to allege why you should not return him to be disposed of by the Court, it will be expected you should forthwith make it appear either by yourself or your agent."[2]

In judicial proceedings the defendant has always been entitled to due notice and an opportunity to present his defence. Under our existing Constitution, these are essential to due process of law, and without them the judgment is not binding upon the defendant.[3] In 1641 the Massachusetts Body of Liberties by Article 21 required the first summons to be served on the defendant not less than six days "before the court." A little later, a notice of five days was sufficient.[4]

Even a rebel cannot be denied a hearing.[5]

On the other hand, in legislative proceedings, notice to parties and opportunity to object to a proposed law have never been essential to the validity of the statute. When the legislature has the power to grant divorces, for instance, prior notice to the libellee is not necessary.[6] The divorce then partakes more of the nature of a statute than of a judgment or decree. This difference is fundamental in our form of government.

Section 13. Legislative Divorces.

In many Colonies it was common practice for the legislature to grant divorces, and until recently this power was generally conceded to reside in that department of government.

"When this country was settled, the power to grant a divorce from the bonds of matrimony was exercised by the Parliament of England. The ecclesiastical courts of that country were limited to the granting of divorces from bed and board. Naturally, the legislative assemblies of the colonies followed the example of Parliament and treated the subject as one within their province. And until a recent period legislative divorces have been granted, with few exceptions, in all the States."[7]

In Connecticut, the legislature at first granted divorces itself, and afterwards conferred the power on the Superior Court to grant divorces upon certain specified grounds, among which were adultery and desertion, and continued to grant divorces itself upon other grounds, not specified. In 1795, Judge Swift stated: "Frequent applications are made to the legislature for such purpose, and it seems to have been adopted as a general rule that in all cases of intolerable cruelty, and inveterate hatred, and

[1] Arnold's Hist. Rhode Island, I, 448, 459, 460 (3d ed.).
[2] Belknap's Hist. N. H., I, 75 (ed. 1784).
[3] Pennoyer v. Neff, 95 U. S. 714;
Eliot v. McCormick, 144 Mass. 10.
[4] Hubbard, 159.
[5] McVeigh v. United States, 11 Wall. 259.
[6] Maynard v. Hill, 125 U. S. 190;
Cronise v. Cronise, 54 Pa. St. 255.
[7] Per Field, J., for the Court in
Maynard v. Hill, 125 U. S. 190, 206;
Bishop, Mar. & Divorce, section 664;
Cronise v. Cronise, 54 Pa. St. 255, 261;
Stowe v. Pease, 8 Conn. 541;
Cram v. Meginnis, 1 G. & J. (Md.), 463, 474.

such gross misbehavior and wickedness as defeat the design of marriage, and presumptive proof of a criminal connection with another person, where the positive proof required by law cannot be had, divorces may be granted."[1] Even under the Constitution of 1818, the legislature had the power of granting divorces.[2]

In Massachusetts, jurisdiction in divorce was early conferred upon the Court of Assistants, with a right of appeal to the General Court.[3]

On December 3, 1639, the Court of Assistants or Quarter Court held at Boston, at which nine members were present, decreed a divorce to the wife of James Luxford, for the reason that he had two wives living, and his last marriage was declared null and void. He was also fined one hundred pounds, put in the stocks and banished, and all his property given to his second wife and her children.[4]

On March 5, 1644, the Court of Assistants "ordered that John Richardson should be sequestered from Elizabeth Fryar, to whom he was married ye 12th of the 8th Mo., and neither to meddle with her person nor estate till things be cleared by advice from England."

On November 13, 1644, the General Court on additional testimony, "do declare the last marriage to be void, which was Elizabeth Friar."[5]

The case of Jane Halsell vs. George Halsell is striking and peculiar, in that the General Court in 1659, three years after the wife had been granted a divorce by the Court of Assistants, on the petition of the husband that his wife "may be returned to him," ordered, after hearing both parties, "that the judgment of the said Court of Assistants in reference thereto be void, and that the said George Halsall shall have and enjoy the said Joan Halsall, his wife, again."[6]

The Governor and Council were given jurisdiction to grant divorces by the province statute of 1692–93, c. 25, sec. 4. Their proceedings were judicial in nature and were decided by a majority vote of those present, even if the governor voted with the minority.[7] The Governor and Council continued to exercise this power of granting divorces down to the period of the Revolution. After the departure of the royal governor and lieutenant-governor, and when there was no court in the State empowered to grant divorces, the legislature at the March session of 1780, chapter 7, granted a divorce.

In 1792, a divorce having been granted by a resolve of the legislature, Governor Hancock disapproved the resolve on the express ground that it was beyond the constitutional power of the legislature; that since the Constitution of 1780 and the statute of 1785, chapter 69, this power vested exclusively in the Supreme Judicial Court.[8] The legislature, however, continued at long intervals to pass similar resolves relating to marriage and divorce, and the courts have held them unconstitutional.[9]

Under the Massachusetts Charter of 1691, the Governor and Council were authorized to prove wills and grant administration, and exercised these powers for many years. The Governor and Council also appointed judges of probate in the several counties, with a right

Section 14. Probate Jurisdiction.

[1] Swift's System, I, 193.
[2] Stowe v. Pease, 8 Conn. 541.
[3] Whitmore's Colonial Laws of Mass., 101 note.
[4] Whitmore's Colonial Laws, 100 note.
[5] Whitmore's Colonial Laws, 99, 100 (1890); General Court Records, II, 86.
[6] Whitmore's Colonial Laws, 100, 101 note.
[7] Sparhawk v. Sparhawk, 116 Mass. 315, 317; Peters v. Peters, 8 Cushing, 529, 541.
[8] Shannon v. Shannon, 2 Gray, 285, 286, per Metcalf, J.
[9] White v. White, 105 Mass. 325; Sparhawk v. Sparhawk, 116 Mass. 315.

of appeal to the Governor and Council, who were the supreme court of probate until after the Revolution. These probate judges were, therefore, merely surrogates of the Governor and Council, and exercised only a delegated and limited authority.[1] Although a provincial act was passed, establishing courts of probate, it was negatived by the king. The proceedings in the probate courts were very loose and informal. As late as 1760, they had no seal, and kept no records, and had no rules of court.[2]

The Constitution of Massachusetts of 1780 continued the power of the Governor and Council for a short time, by providing in chapter 3, article 5, that "all appeals from the judges of probate shall be heard and determined by the Governor and Council, until the legislature shall by law make other provision.' The statute of 1783, c. 46, enacted March 12 1784, established the County Courts of Probate, and constituted the Supreme Judicial Court the Supreme Court of Probate, and abolished the probate jurisdiction of the Governor and Council.[3] This jurisdiction has remained in the Supreme Judicial Court to the present time.[4]

In Wales v. Willard, 2 Mass., 120, Chief Justice Parsons, in delivering the opinion of the court, says on page 124: "The County Courts of Probate were never established by any statute until the act of March 12, 1784. Before the Revolution, the judges of probate were considered as surrogates of the Governor and Council, who derived from the royal charter the authority to prove wills and to grant administrations. A provincial act was passed for erecting Courts of Probate in the several counties, but it was negatived by the king. A number of other acts were afterwards passed, which recognize the power of the Courts of Probate, and regulate appeals from them to the Governor and Council, which were approved. By the Constitution, among other laws, the acts regulating and defining the proceedings of the Courts of Probate were confirmed, and the appeal given to our Governor and Council, until the legislature should otherwise provide. By the statute of March 12, 1784, Probate Courts were established, with the powers and jurisdiction given by the laws of the Commonwealth. The appellate jurisdiction is vested in the Supreme Judicial Court; to which is also given original jurisdiction in all cases in which the judge of probate is interested."

In 1670 the General Court of Massachusetts authorized the sale of lands of a deceased debtor for payment of his debts; a law which Hubbard thought to be "very necessary . . . where men often die seized of much land, and little other estates."[5]

Section 15. New Trials Granted by the Legislature.

In many classes of cases where the Colonial legislatures preferred not to rehear cases themselves, they granted new trials in actions which had been previously determined by the ordinary courts. This practice was subversive of the independence of the judiciary and finally led to controversy between the two departments. New Hampshire was the scene of a thirty years' war upon this point, which ended in favor of the judicial department. The war began about 1791 when the General Court ordered a new trial in the case of Gilman v. McCleary. The Superior

[1] Wales v. Willard, 2 Mass. 120, 124, per Parsons, C. J.; Peters v. Peters, 8 Cush. 529, 540-542, per Shaw, C. J.; White's Probate Courts, 17-21.

[2] Washburn, Jud. Hist. Mass., 187.

[3] Wales v. Willard, 2 Mass. 120, 124; Peters v. Peters, 8 Cush. 529, 541, 542.

[4] Public Statutes, c. 156, sec. 5; Sparhawk v. Sparhawk, 116 Mass. 315, 318.

[5] Hubbard's New England, 592.

Court accepted the gage of battle, declared the statute unconstitutional, and refused to allow a new trial. The legislature renewed the fight at least twice within the following six years, and granted new trials in the cases of Chickering v. Clark and Butterfield v. Morgan. Again the Court declined to obey the statute. Still dissatisfied, the legislature ordered new trials in Jenness v. Seavey and in Merrill v. Sherburne, which the court refused. The case last cited contains a full and able discussion of the question by Judge Woodbury, in which it was clearly demonstrated that the power of granting new trials resided in the courts and not in the legislature.[1]

In Connecticut the exercise of this power of granting new trials, gave rise to the decision of an important question of law by the Supreme Court of the United States in 1798. Calder v. Bull, 3 Dallas, 386, involved the constitutional validity of a statute or resolution of the General Court of Connecticut, setting aside a decree of a probate court and granting a new hearing before the same court. The State courts held this statute to be valid, and granted a new hearing, which resulted in a decision for the other party. The defeated party then carried the case to the United States Supreme Court, claiming that the State law was an *ex post facto* law, in violation of the Federal Constitution. The Supreme Court, however, held that this provision applied only to criminal matters, and therefore affirmed the judgment of the State court. Judge Paterson in the course of a learned opinion says: "It appears that the legislature, or general court of Connecticut, originally possessed and exercised all legislative, executive and judicial authority. They acted in a double capacity, as a house of legislation with undefined authority, and also as a court of judicature in certain exigencies."[2] At this time, Connecticut had no Constitution except the Charter of 1662, which had been ratified by the legislature, but had not been voted upon by the people at large.

In 1813, the legislature of Massachusetts, after the plaintiff's right of action had become barred under the general statute of limitations relating to executors and administrators, passed a resolve authorizing the plaintiff to sue the defendant within one year after its passage, and expressly providing that "the operation of the several statutes of limitation of this Commonwealth, so far as they may come within the provision of this resolve, be, and they hereby are, suspended, and the same shall not operate as a bar to the several actions, suits, and claims above mentioned." The plaintiff commenced his action within the year. The Supreme Judicial Court held, in an able opinion by Mr. Justice Jackson, that the resolve was unconstitutional, for the reason that the legislature had not the power to suspend the operation of a general law in favor of an individual; that the right of action was therefore barred, and the plaintiff could not recover.[3]

In Denny v. Mattoon, 2 Allen, 361, it was decided that the Statute of 1860, chapter 78, which purported to confirm proceedings had before a certain judge of insolvency, after such proceedings had been adjudged invalid by the Supreme Judicial Court, was unconstitutional. Chief Justice Bigelow, in delivering the unanimous opinion of the court, remarked upon this subject (pages 378, 379):

"The wise and salutary provision in our

[1] Merrill v. Sherburne, 1 N. H. 199 (1818).
[2] Calder v. Bull, 3 Dall., 386, 395.
[3] Holden v. James, 11 Mass. 396;

See also, Denny v. Mattoon, 2 Allen (Mass.), 361; Waters v. Stickney, 12 Allen (Mass.), 1, 6, 7.

Constitution, by which its framers sought to declare the distribution of the different powers of the government and to keep them separate and distinct, is not a mere abstract truth. It is capable of a practical application, by which each department may be made to operate within its own appropriate sphere, so as to accomplish the great end of securing a government of laws and not of men. Although it may be difficult, if not impossible, to lay down any general rule which may serve to determine, in all cases, whether the limits of constitutional restraint are overstepped by the exercise by one branch of the government of powers exclusively delegated to another, it certainly is practicable to apply to each case, as it arises, some test by which to ascertain whether this fundamental principle is violated. If, for example, the practical operation of a statute is to determine adversary suits pending between party and party, by substituting in the place of the well settled rules of law the arbitrary will of the legislature, and thereby controlling the action of the tribunal before which the suits are pending, no one can doubt that it would be an unauthorized act of legislation, because it directly infringes on the peculiar and appropriate functions of the judiciary. It is the exclusive province of courts of justice to apply established principles to cases within their jurisdiction, and to enforce their decisions by rendering judgments and executing them by suitable process. The legislature have no power to interfere with this jurisdiction in such manner as to change the decision of cases pending before courts, or to impair or set aside their judgments, or take cases out of the settled course of judicial proceeding. It is on this principle that it has been held that the legislature have no power to grant a new trial or direct a rehearing of a cause which has been once judicially settled. The right to a review, or to try anew facts which have been determined by a verdict or decree, depends on fixed and well settled principles, which it is the duty of the court to apply in the exercise of a sound judgment and discretion. These cannot be regulated or governed by legislative action. Taylor v. Place, 4 R. I., 324, 337. Lewis v. Webb, 3 Maine, 326. De Chastellux v. Fairchild, 15 Penn. State R., 18. *A fortiori*, an act of the legislature cannot set aside or annul final judgments or decrees. This is the highest exercise of judicial authority. Lord Coke calls judgment and execution the 'Fruit of the law'. To vest in the legislature the power to take them away, or to impair their effect on the rights of parties would be to deprive the judiciary of its most essential prerogative. It could then no longer adjudicate and determine the rights of litigants. The will of the legislature would be substituted in the place of fixed rules and established principles, by which alone judicial tribunals can be governed."

In Rhode Island until the adoption of the Constitution of 1843, the General Assembly not only had the power to grant new trials, but repeatedly exercised that power in all classes of cases, legal and equitable, after the time had elapsed within which the courts could grant new trials. As late as 1854 the legislature exercised this power; but the Supreme Court held it to be unconstitutional, as an exercise of judicial power, prohibited to the assembly by the Constitution of 1843.[1]

In 1825 the Supreme Court of Maine decided that it was beyond the constitutional power of the legislature of that State to pass an act or

[1] Taylor v. Place, 4 R. I., 324 (1856). This case contains a learned discussion by Chief Justice Ames, who was also the official reporter at that time.

resolve granting a new trial or an appeal in any case between private citizens.[1]

Our early judicial history shows that very slight respect was paid to the freedom of contract or to the obligation of contracts. The doctrine that an unconscionable bargain was invalid, was freely enforced by the courts, as well as by the legislature. Any charge that savored of extortion was not only unenforcible at law, but was punishable as a criminal offence. At the very first sitting of the Court of Assistants, which occurred at Charlestown, on August 23, 1630, it was ordered "that carpenters, joiners, bricklayers, sawyers, and thatchers take no more than two shillings a day, under pain of ten shillings to giver and taker."[2] This policy of regulating prices by law continued for many years in the Colonies with only a few interruptions for short intervals. The power of regulation was for some time lodged in the freemen of the towns, and when the towns differed upon rates, the county court promulgated uniform rates.[3]

Section 16. Fixing Prices of Labor and Commodities.

In 1633 workmen were so scarce that wages had again become excessive, and laborers were able to earn enough in four days to support them a week. A carpenter received three shillings a day, and a laborer two shillings and six pence. According to Governor Winthrop this caused many evils to spring up, among which were idleness and the drinking of strong waters, and the use of tobacco. The sellers of food and other commodities also advanced prices, sometimes to double the cost in England. Corn cost six shillings a bushel; a cow twenty pounds to twenty-six pounds; a mare thirty-five pounds; a ewe goat three or four pounds. These high wages and prices became a matter of general complaint, and accordingly the Court of Assistants of Massachusetts Bay in 1633 passed an order that for the future carpenters, masons, etc., should charge not more than two shillings a day; that laborers should not charge more than eighteen pence per day; and that no commodity should be sold for upward of four pence in the shilling more than it cost for ready money in England, excepting only oil, wines, liquors and cheese, on account of the hazard in bringing over the ocean.[4]

In 1639, Captain Robert Keayne, who kept a shop in Boston, was complained of for oppression in the sale of foreign commodities, his prices being notoriously higher than those of other shop keepers. Although there was no statute in force at that time regulating the price of such commodities, Captain Keayne was "convented" before the General Court, was duly tried and convicted and sentenced to pay a fine. The deputies wished to impose a fine of two hundred pounds, "for the cry of the country was so great against oppression, and some of the elders and magistrates had declared such detestation of the corrupt practice of this man"; but the magistrates agreed to only one hundred pounds; and the matter was finally compromised between the two branches by a fine of one hundred pounds, and by referring the question to the next General Court, which remitted 120 pounds of the fine.[5]

In 1640, there being a scarcity of money, and prices of cattle and commodities having fallen greatly within a few years, the General Court of Massachusetts passed the following order: "That upon every execution of debts past, the officer shall take land, houses, corn,

[1] Lewis v Webb, 3 Greenleaf, 326.
[2] Savage's Winthrop, I, 36; Hubbard, 146
[3] Savage's Winthrop, I, 36.
[4] Savage's Winthrop, I, 138, 139.
[5] Savage's Winthrop, I, 377–382.

cattle, fish, or other commodities, and deliver the same, in full satisfaction to the creditor, at such prices as the same shall be valued at by three understanding and indifferent men, to be chosen the one by the creditor and another by the debtor, and the third by the marshal. And the creditor is at liberty to take his choice of what goods he will, and if he hath not sufficient goods to discharge it, then he is to take his house, or land, as aforesaid."[1] Under our present National Constitution, a State statute of this nature is unconstitutional, as impairing the obligation of contracts.[2]

The weight and price of bread were also regulated by law, and bakers fined for infractions thereof. At a Quarter Court of the Massachusetts Court of Assistants held at Boston on December 7, 1641, Thomas Hawkins was fined five shillings for making light weight bread; or, as it was expressed in the sentence, "for making bread to light."[3] It would not, however, be safe to infer that Hawkins's bread was used for illuminating purposes.

The intent and purpose of these regulations were to keep wages below the level of the rate of free contract. The power was exerted by and in the interest of the employing class, which then controlled the courts and the legislature. The abundance of cheap land in New England, however, prevented these laws from accomplishing their purpose.[4] At that time the wage earners were in favor of the freedom of contract, and the employers were opposed to it. The demand for labor exceeded the supply of labor, and if the machinery of the law had not been used against the laborers, they could have obtained higher wages. The doctrine of *laissez faire* then operated in favor of the workmen and against the employer.

The policy of State regulation continued throughout the seventeenth century and a part of the eighteenth century; but was generally abandoned during the latter part of the eighteenth century. During the life of the present generation this policy has been revived in some respects. Maximum charges for railroad transportation and for storage of grain in elevators, and for gas and electric light have been established by law and enforced by courts and commissions.[5]

The wage earners, although they have not yet succeeded in obtaining much legislation in favor of a fair minimum wage, have discussed the question in public to such an extent as to attract attention and compel consideration.

Section 17. Same Subject Continued.

The positions and arguments of the two parties have become precisely reversed in the course of two hundred years. In the seventeenth century the employers favored State regulation of wages and argued that it was necessary in order to prevent extortionate wages, while the workmen favored non-interference by the State, and contended for freedom of contract. Then, there was a scarcity of labor in New England, while now, owing chiefly to labor saving machinery and immigration, there is a surplus of labor. Wages are low and employers are now opposed to State regulation of wages, while employees are in favor of it, as a means of securing higher wages.

The policy of fixing a maximum workday

[1] Mass. Records, I, 291, quoted in Savage's Winthrop, II, 8 note.
[2] McCracken v. Hayward, 2 Howard, 608; Barnitz v. Beverly, 163 U. S. 118.
[3] Whitmore's Sketch Colonial Laws, Preface XXVIII.
[4] Savage's Winthrop, II, 29.
[5] Munn v. Illinois, 94 U. S. 113; Chicago, etc., Ry. v. Minnesota, 134 U. S. 418; Inter-State Commerce Act of 1887; Mass. St. 1885, c. 314, sec. 9.

has made considerable progress in legislation, and been generally enforced by the courts.[1]

The power of the Colonial Courts to fix maximum wages was exercised without doubt or question of its validity, and was in pursuance of the English practice, which originated in 1350, shortly after the Great Plague. Fully one-third of the laboring population died during this plague of the black death, and wages rose to double or treble the rate that prevailed immediately before the plague. The landowners and other classes of employers who controlled Parliament, accordingly passed the Statute of Laborers, and gave the courts the power of fixing wages, with the intent of reducing wages below the contract rate. Various other statutes of like nature and purpose were enacted by Parliament from time to time, and the courts continued to possess this power for nearly five hundred years.[2]

This was the period of hand-labor, before the introduction of machinery upon a large scale. With the advent of the factory system and the employment of women and children to operate machinery, conditions rapidly changed, and the contract rate of wages fell below the legal rate. Parliament then repealed the Statute of Laborers, for the benefit of the employers and against the protests of the employees. In 1814, three hundred thousand workmen signed petitions and presented them to Parliament against the repeal of the Statute of Apprentices of Elizabeth,[3] but Parliament disregarded the request and repealed the statute by the Act of 54 George III, c. 96.

In 1881, Parliament under the leadership of William E. Gladstone, revived the policy of legal rates, but reversed the intent and purpose of the early statutes, by the passage of the Land Act for Ireland. This statute established a Land Court and Land Commission with power to fix maximum rents for agricultural holdings. Since then, under the operation of this law, rents in nearly all the agricultural holdings of Ireland have been reduced about twenty per cent. below the former contract rate. A report of a select committee of seventeen members appointed by the House of Commons to investigate the working of this Act in 1894, shows that the gross amount of rental dealt with from 1881 to March 31, 1894, was £6,140,602, and that this total had been reduced by £1,279,475, or 20.8 per cent. The same report dated August 20, 1894, also states that the total number of fair rents fixed by all methods from 1881 to March 31, 1894, was 294,654, divided as follows among the different methods:

Rents fixed by Land Commission Courts	157,178
" " " County Courts	15,537
" " " landlord and tenant	121,902
" " " arbitration under Section 40	37
Total number of rents fixed	294,654
Cases struck out, withdrawn or dismissed	60,236
Total number of cases	354,890

Section 18. Computing Current Prices and Value of Bills of Credit.

After the Revolution the judges of the Superior Court were charged with the duty of computing the current prices of corn, beef, sheep's wool and sole leather upon an average throughout the State of Massachusetts, with a view to the payment of the promissory notes issued to the soldiers of the Continental Army for their pay. These notes were payable, "both principal and interest, in the then current money of the State, in a greater or less sum according as five bushels of corn, sixty-eight

[1] Mass. St. 1874, c. 221, enforced in Commonwealth v. Hamilton Mfg. Co., 120 Mass., 383; Eight hour law of Utah, enforced in Holden v. Hardy, 169 U. S., 366.

[2] Rogers's "Six Centuries of Work and Wages."

[3] Brentano's "Relation of Labor to Law," p. 71

pounds and four-sevenths parts of a pound of beef, ten pounds of sheep's wool and sixteen pounds of sole leather shall then cost more or less than one hundred and thirty pounds current money, at the current prices of said articles."

On January 25, 1781, the legislature of Massachusetts passed an act empowering the justices of the Supreme Judicial Court "or the major part of them" to determine the value of bills of credit emitted by the United States or by this State.

Contrary to the common law of England, parties in civil suits were allowed to testify in their own favor in some cases, but not in others.

Section 19. Parties as Witnesses. Sherman v. Keayne.

The epoch-making case of Sherman v. Keayne, which caused the separation of the two branches of the legislature, shows that very peculiar reasons were sometimes given for decisions upon this subject. Mrs. Sherman having lost her only sow, to which she was much attached, claimed to have discovered her upon the premises of Captain Keayne, who denied the plaintiff's ownership, but admitted that he had a stray sow, which he had had cried several times for a year, without claimants. The inferior court of Boston decided in favor of the defendant, and the jury awarded him three pounds as costs of court. Some time afterward the General Court, upon petition in Mr. Sherman's name, granted a rehearing of the cause, which lasted nearly seven days. Neither party obtained the votes of a majority of both the magistrates and the deputies, and therefore no judgment was rendered. Two magistrates and fifteen deputies were in favor of the plaintiff and seven magistrates and eight deputies were in favor of the defendant, while seven deputies refused to vote. The plaintiff's wife was allowed to testify as to the marks of her sow, but the defendant and his wife were denied the like right, for the reason, as Governor Winthrop expresses it, of "that rule in the law—he shall swear he hath not put his hands to his neighbor's goods." [1]

At the trial the magistrates claimed the power to negative or veto the action of the deputies. The dispute upon this question continued for many years and finally culminated in 1644 in the separation of the two branches, each with a negative upon the acts of the other in legislative matters. In judicial matters, however, they continued to sit in joint convention and to act as one body. The result was, therefore, a partial victory for each side. The magistrates sustained their right of negative, and the deputies acquired a right of negative in legislation, while in judicial matters the right of negative was not sustained in favor of either party. As the deputies largely outnumbered the magistrates, the decision of judicial cases after this was within the power of the deputies.[2]

Section 20. Party as Witness. Supplementary Oaths of Plaintiff.

When and how the practice originated in New England allowing the plaintiff in an action on a book account to testify in his own favor, are shrouded in doubt and mystery. It was contrary to the common law of England to allow parties to testify in this manner, and the custom seems to have grown up in New England by the action of the courts and irrespective of statute. The Crown Charters prohibited the Colonies from enacting laws re-

[1] Savage's Winthrop, II, 83, 84, 85.
[2] Palfrey's New England, I, 617–622; Whitmore's Colonial Laws, 134; Hubbard's New England, 382, 383, 391.

pugnant to the laws of England, and it was a favorite resort of the Colonists, when they wished to evade this provision, to enforce a custom to do that which they wished to do, without passing a law upon the subject.[1] This view is also supported by the circumstance that as early as 1654, the Massachusetts court passed an order requiring the plaintiff to swear "to the truth of the whole book," and requiring shop books in order to be competent evidence to be kept in a certain prescribed form.[2] Judge Swift of Connecticut states that it is impossible to trace the origin of this custom, "but it is probably coeval with our government," and that in the year 1714 a statute was passed in Connecticut which recognized the custom as then established, and provided that "the jury shall well weigh and consider the credit of the parties."[3]

In 1806, Judge Parker referring to this subject said: "This mode of proof is peculiar to our country, and probably has been in practice from its first settlement. The jury are the proper and adequate judges of the weight of this, as of all other evidence laid before them."[4] This rule of law prevails also in the State Courts of Maine, New Hampshire and other States, as well as in the Federal Courts.[5]

Section 21. Touching the Body of a Murdered Person.

Self-condemnation by a person accused of crime was frequently enforced in the early courts of New England. Where a secret murder was discovered, the accused person was compelled to touch some part of the corpse, and if the blood came fresh from the spot touched, he was surely guilty of the murder. God was supposed to have appointed this sign for the detection of the murderer, and the blood of the deceased was believed to be crying to Heaven for revenge. This practice was borrowed from England, and King James I. expended some of his learning upon the subject in his "Demonologie." This method of proof was employed with fatal result in 1646 in the town of Boston. An infant having been found dead, Mary Martin, who was then only twenty-two years of age, and who had been a very proper maiden of modest behavior, was accused of being the mother and having murdered her own child. Upon her trial, the jury caused her to touch the face of the infant; "whereupon the blood came fresh into it," as Governor Winthrop informs us, and she was found guilty and executed. She hung for some time in mid-air alive, and asked what they meant to do; until some one stepped up and turned the knot of the rope, which caused her death.[6]

The rule of evidence excluding hearsay was habitually disregarded in early judicial proceedings, both in civil and criminal matters.

Section 22. Hearsay Testimony.

Thomas Wiltshire having performed work upon Captain Keayne's house and there being due him thirty-eight shillings on the job, agreed to accept payment in Spanish broadcloth. The captain probably thought that Spanish broadcloth was too good for the use of said Thomas, and therefore delivered to him an inferior quality, for which he charged seventeen shillings

[1] Thus Governor Winthrop states that to enact that marriages shall not be solemnized by ministers is repugnant to the laws of England; "but to bring it to a custom by practice for the magistrates to perform it, is no law made repugnant, etc." Savage's Winthrop, I, 323.

[2] Washburn's Jud. Hist. Mass. 56.

[3] Swift's System, II, 166.

[4] Cogswell v. Dolliver, 2 Mass. 217, 220, 221.

[5] Hooper v. Taylor, 39 Maine, 224;
Webster v. Clark, 30 N. H. 245;
White v. Ambler, 8 N. Y. 170;
Insurance Co. v. Weide, 9 Wall. 677;
Bates v. Preble, 151 U. S. 149.

[6] Savage's Winthrop, II, 368-370.

per yard. Thomas Wiltshire became dissatisfied and sued the captain, and filed an affidavit containing the following beautiful illustration of hearsay: "The which cloth this deponent showed to Henry Shrimpton, and he said it was not worth above ten shillings per yard, for it was but cloth rash, and so said goodman Read, and his wife showed a waistcoat of the same kind of cloth, which cost but nine shillings per yard, and in this deponent's judgment was better cloth; and this deponent showed the same cloth to Mr. Rock, and he said it was worth but ten shillings per yard, for it was but cloth rash, and this deponent showed it also to Mr. Stoddard, and he said likewise that it was cloth rash, and was not worth ten shillings per yard, and was dear enough at that price, or words to that effect."[1]

Section 23. Forms of Oaths and Writs.

Our present practice of taking an oath in court by holding up the right hand, originated in the earliest times of England. The practice in New England was to swear by the Bible, and the first settlers were well aware of this, and adopted the other form, because they regarded swearing by the Bible as idolatrous.[2] This practice being contrary to the law of England, was not authorized by an express statute apparently, but was enforced by the courts as a custom of the country, which was their usual method of evading the provision of the Charter that no law should be made repugnant to the laws of England.[3] Kissing the Bible or laying the hand upon it seems to have originated among the Jews; and it is somewhat strange that the New England settlers should have been the only English settlers in America to discard this old English custom. In most respects they attached more importance to the Bible than the other Colonists.

For many years after the first settlement, writs and legal process were not framed in the King's name, and this was made a cause of complaint against the Colonists. Hutchinson gives the following as a form of writ in Massachusetts in 1650:

"To the Marshall or his Deputy.

"You are required to attach the goods or lands of William Stevens to the value of one hundred pounds, so as to bind the same to be responsible at the next court at Boston, 29th of the 5th month, to answer the complaint of Mr. James Attwood in an action of debt, to the value of fifty pounds, upon a bill of exchange, and so make a true return hereof under your hand. Dated 29th 2d mo. 1650. per curiam, Wm. Aspinwall."[4]

The practice of inserting the declaration in the writ seems to have originated in Connecticut at an early day, and when the defendant did not appear in court, after due service of process, he was defaulted, and judgment ordered against him. When the plaintiff wished to attach the defendant's property on mesne process, he was required to give a bond for prosecution, to indemnify the defendant if the action was not sustained. The case of Chester v. Measure brought in 1670, illustrates the form of the writ and the bond:

"To the Marshall or either of the Constables of Lime. These are in his Majesties Name, to Will and Require you to Attach the estate of William Measure of Lime to the value of ten pounds and for want of Estate his person with sufficient Surety or Sureties for his appearance at the Court to be holden at Hartford on the 13th day of the month next ensuing, to answer

[1] Savage's Winthrop, II, 85, 86.
[2] 1 Hutchinson (2d ed.), 454.
[3] Ante, Section 20.
[4] Hutchinson, I, 452.

John Chester of Weathersfield in an Action of Debt, with Damages, to the value of seven pounds, and six shillings, and what Estate you Attach, or Security you receive, you are to secure it in your hands, that it may be responsible to Answer the aforesaid Action, and the Judgment of the Court therein; the Plaintiffe having given sufficient caution to prosecute his Action to effect, and answer all Damages in case he make not his plea good: You are also to make return of the serving hereof to the said Court, or to the Clerk before the Court.

Hereof fail not:

"Dated in Hartford the 22nd day of September, 1670.

"Acknowledged before me,

"John Allyn, Secrt.

"Wee Richard Lord and Jonathan Gilbert acknowledge ourselves Bound to the Publick Treasury of the Colony of Connecticut in a Recognizance of two pounds that John Chester of Weathersfield shall prosecute the attachment he hath now taken out against William Measure of Lime at the Court to be Holden at Hartford on the 13th. day of the eighth month next, to full effect and answer all Damages in case he make not his plea good.

"Dated in Hartford the 22nd day of September, 1670.

"Acknowledged before me,

John Allyn, Secrt."[1]

Section 24. Costs of Court.

The earliest legislation upon this subject in New England was probably contained in the Body of Liberties adopted in 1641 by Massachusetts. By Article 37 it was enacted that: "In all cases where it appears to the Courte that the plaintife hath wilingly and witingly done wronge to the defendant in commencing and prosecuting any action or complaint against him, they shall have power to impose upon him a proportionable fine to the use of the defendant, or accused person, for his false complaint or clamor." This law was for the benefit of the defendant, but did not benefit the plaintiff, and it was accordingly supplemented in 1642 by a statute passed on May 20, 1642, declaring that if the Court "shall finde the defendant in fault, they shall impose the charges upon such defendant."[2]

At a Court of the Assistants held at Boston on the 27th day of the Second month (April), 1642, at which were present Governor Winthrop, Deputy Governor Endicott, Mr. Dudley, Mr. Bellingham, Mr. Flint and Increase Nowell, it was ordered that John Stowe and Joseph Armitage recover ten shillings costs against Joshua Hubbard for not prosecuting. On the 7th day of the Fourth month, 1642, the same court, reinforced by Mr. Bradstreet and Mr. Stoughton, granted Mr. Edward Paine six shillings six pence costs against Clement Campion, for the latter's failure to enter his action against Paine.[3]

Section 25. Reasons for Judgment. Authority for Precedents.

The bulk of our common law consists of the reasons assigned by the courts in deciding particular cases. These reasons have always been considered the life or spirit of the law, and have been regarded as precedents binding upon the courts in subsequent cases where the like questions were involved. To preserve these reasons in permanent form, and to render them accessible to the public, printed reports of decisions were encouraged by the bench and bar, and sometimes authorized by the legislature. In some States, the judges of the highest court were

[1] Judicial History Conn., 86, 87, (1895).

[2] Whitmore's Sketch of Colonial Laws, Preface XXIV.

[3] Whimore's Sketch Colonial Laws, Preface XXXII.

required by law to give their reasons in writing.[1]

In Connecticut as early as 1785, an act was passed requiring the judges of the Supreme Court of Errors and of the Superior Court to file written opinions, containing the grounds and reasons of the judgment, with the clerk of the Superior Court.[2]

Section 26. Punishment for Crime other than that Charged in Indictment.

It was not uncommon for a person to be indicted and tried for one crime, and to be found guilty and punished for another crime. In 1645, Henry Dawson and Mrs. Hudson were put on trial upon the charge of adultery. The jury found them not guilty of adultery, but guilty of adulterous behavior, and the magistrates sentenced and punished them for the latter offence.[3] To prevent this practice, probably, the form of the juror's oath was changed, to the effect that if the jury found the accused not guilty of the crime charged they should say so "and no more."[4] Sometimes the verdict was that there were strong grounds of suspicion that the accused was guilty, but not sufficient evidence to convict him, and upon such verdicts the court sentenced the prisoner for what they considered him guilty of, although this offence had not been charged in the indictment, nor found by the jury.[5]

Where the punishment was death, the jury were often reluctant to return a verdict of guilty, especially when the accused was young and inexperienced. The cases of Robert Wyar and John Garland were of this character. They were indicted and tried in 1642 for ravishing two young girls; but the jury found them not guilty, because the penalty was death. The court, however, after a confession by the boys of a smaller offence, sentenced them to be openly whipped at Boston on the next market day, and again at Cambridge on the lecture day, and each of them to pay a fine of £5 apiece to their master in service. The girls having also confessed were sentenced to be severely whipped at Cambridge in the presence of the secretary.[6]

The writs of habeas corpus and *de homine replegiando* were early employed in New England. In 1686 the action of trover or conversion by Nelson v. Brooks was "removed by habeas corpus" from the Court of Pleas for Suffolk County into the Superior Court. The Superior Court abated the writ, and allowed the defendant £2 3*s.* 2*d.* as costs of court.[7] This was certainly a queer method of removal, and the costs imposed upon the plaintiff seem none too large. In 1689 Judge Dudley refused to issue this writ upon the application of Rev. Mr. Wise, for which refusal a suit for damages was brought after the revolution in New England; from which Governor Washburn draws the conclusion that "the right to this writ was regarded as one of the existing privileges of the colonists."[8] By a Provincial act passed in 1692, the power of granting writs of habeas corpus was expressly conferred upon the justices of the Superior Court,[9] the predecessor of the Supreme Judicial Court of Massachusetts.

Section 27. Habeas Corpus and Personal Replevin.

The writ of personal replevin has fallen into disuse, and habeas corpus is now generally em-

[1] Mass. Pub. Sts., c. 150, sec. 13.
[2] Swift's System, p. 45;
Judicial History Conn. 142.
[3] Savage's Winthrop, II, 305.
[4] Washburn, 45.
Hutchinson, I, 401.
[5] Records of the Court of Assistants, No. 2909;
Whitmore's Colonial Laws, Mass., Preface XXXI.
[7] Washburn, 90.
[8] Judicial Hist. Mass. 196.
[9] Washburn, 152.

ployed to accomplish the same purpose. In 1806, two cases involving writs of personal replevin were decided by the Supreme Judicial Court of Massachusetts, and in 1844 another case of the same writ was decided by this court.[1] The only successful use of the writ within recent years was made by General Benjamin F. Butler in a case arising in a Federal court within the district of Massachusetts. The present laws of Massachusetts allow the use of this writ.[2]

Section 28. Advisory Opinions by Ministers, Elders and Judges.

The germ of advisory opinions by judges to the executive and legislative departments may be traced back to the early days of the settlement of the country. The ministers and the elders then held a commanding position in all public affairs, and it was a common practice for the General Court, or for one branch thereof, and for the Governor and Council, to request and to receive advice from the ministers or elders acting as a body, and as a separate tribunal. Their answers were generally based upon the word of God as revealed in the Bible. The early settlers had more reverence for the laws of Moses than for the laws of England.

In 1634 the Governor and Assistants requested the advice of the ministers upon these two questions: 1. What ought to be done if a general governor should be sent out of England? 2. Whether it be lawful for us to carry the cross in our banners? At a meeting of all the ministers except Nathaniel Ward of Ipswich, held at Boston, they all agreed, that, if a general governor were sent, the Massachusetts Colonists ought not to accept him, but defend their lawful possessions (if they were able); otherwise to avoid or protract. Upon the second question the ministers were divided, and accordingly deferred their answer to another meeting.[3]

Liberty No. 1 of Massachusetts ordained that in the absence of an express law of the country, judicial matters were to be determined "by the word of God." There was nothing in the Charter or Patent which authorized such a rule of decision, but the rule was freely enforced by the courts. In 1644, the General Court requested the opinion of the elders as to whether the magistrates should be guided by the word of God in such case, and the elders replied in the following terms: "We do not find that by the Patent they are expressly directed to proceed according to the word of God; but we understand that by a law or liberty of the country, they may act in cases wherein as yet there is no express law, so that in such acts they proceed according to the word of God."[4]

In 1644, the opinion of all the ministers of Massachusetts was requested by both the magistrates and the deputies upon several questions relating to the respective powers of these two branches of the legislature.[5]

In 1692, during the witchcraft trials at Salem, the Governer and the Council requested the opinion of several of the principal ministers upon the state of things as they then stood, and on June 15, 1692, five days after the execution of the first witch at Salem, the ministers returned a formal reply in writing.[6]

Before the settlement of New England, the practice was well established in England of requiring the opinion of the twelve judges of

[1] Wright v. Wright, 2 Mass. 109;
Williams v. Blunt, 2 Mass. 207;
Aldrich v. Aldrich, 8 Metcalf, 102.

[2] Mass. Pub. Statutes, c. 185, sections 40–55

[3] Savage's Winthrop, I, 183.

[4] Mass Records, II, 91.

[5] Hubbard, 395–401.

[6] 2 Hutchinson, 49–51 (2d ed.).

the highest standing. The right to demand their opinion was lodged in the King and in the House of Lords, but did not extend to the House of Commons. During the reign of the Stuarts, this power was greatly abused by the King in requesting the judges' opinion upon questions about to come before them in their judicial capacity. The House of Lords had the right to demand the judges' opinion upon matters relating to their legislative duties as well as upon matters relating to their judicial duties.

In Massachusetts and in other States the right to demand the opinion of the justices of the highest court, extends to the House of Representatives as well as to the Senate and the Executive. The Massachusetts Constitution of 1780, which upon this subject has remained in force to the present day, ordained that "each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the Supreme Judicial Court upon important questions of law, and upon solemn occasions."[1] Similar provisions are contained in the Constitution of New Hampshire of 1784, in the Constitution of Maine of 1820, and in the Constitution of Rhode Island of 1843, which was its first Constitution, excepting the Charter of 1663.

In Maine, New Hampshire and Massachusetts, the judges have given advisory opinions in a large number of instances and upon a great variety of questions. Many of them relate to constitutional questions, and to the powers and functions of the legislative and executive departments. The judges in giving opinions of this nature act merely as the constitutional advisers of the other departments, and not as a court. Their opinions have not the force or effect of a judgment.[2] The governor and the legislature may accept or reject the views of the judges. In practice, the judges' views have generally been accepted. In one case, the opinion of Chief Justice Parsons and Justices Sewall and Parker was overruled by the Supreme Court of the United States. In August, 1812, the governor of Massachusetts requested the opinion of the justices upon the question as to whether the commander-in-chief of the militia has the right to determine whether an exigency exists in fact which authorizes the president of the United States in calling out the militia. The justices answered in the affirmative, that this power rested with the governor of the State, and not with the president.[3] In 1827, this question came before the Supreme Court of the United States, which held, in an opinion by Judge Story, that the president under the Act of Congress of February 28, 1795, is the exclusive and final judge of whether such an exigency exists.[4]

In 1840 the justices of the Supreme Judicial Court of Maine gave an important opinion upon the constitutional power of the legislature to grant divorces. The questions were propounded by the Senate, and Chief Justice Weston and Justices Emery and Shepley replied that in their opinion the legislature possessed the power to grant divorces in cases where the Supreme Judicial Court had no jurisdiction, but did not possess that power in cases where that court had jurisdiction.[5]

In New Hampshire, the seven judges of the Supreme Court in answer to a question stated by the House of Representatives, expressed the opinion that the legislature could pass a law

[1] Mass. Const. ch. 3, art. 2.
[2] Opinion of the Justices, 126 Mass. 566; Opinion of the Justices, 60 N. H. 585.
[3] Opinion of the Justices, 8 Mass. 548.
[4] Martin v. Mott, 12 Wheaton, 19.
[5] Opinion of the Justices, 16 Maine, 479.

without prior notice to parties interested, although a general statute was in force requiring notice to be given in advance. The judges pointed out the distinction between legislative and judicial proceedings upon this subject. The requirement of notice in advance of judgment is essential in the latter but not in the former, and one legislature cannot fetter the action of a later body by an act requiring notice. [1]

One of the most interesting cases of this nature arose out of the so-called Dorr Rebellion in Rhode Island. In 1844, Thomas W. Dorr was convicted of treason and sentenced by the Supreme Court. At the January session of the General Assembly in 1854, the legislature passed an act reversing and annulling the judgment against Dorr. At the June session, 1854, the Senate and the House of Representatives requested the opinion of the justices of the Supreme Court upon the constitutionality of the act passed at the January session, 1854. Justices Greene, Haile, Staples and Brayton replied that the statute in question was an exercise of judicial power by the General Assembly, and was therefore unconstitutional. [2]

In Connecticut, the advice of the judges has been very seldom requested. Only three times since she became an independent State, has the legislature required their opinion upon questions of constitutional law. The first instance occurred in December, 1862, in relation to a statute allowing soldiers in the military service of the United States to vote for State officers outside the borders of the State. The judges of the Supreme Court of Errors replied that in their opinion the statute was repugnant to the State Constitution; [3] and the Constitution was accordingly amended so as to allow such voting. In answer to a question propounded by the legislature in 1865, the judges held that a negro was a citizen. [4] In 1867 the court declined to answer a question as to whether the State had the constitutional power to tax the income of United States bonds.

The Constitutions of Vermont have contained no provision requiring the judges to advise the other departments of the government. This omission is probably accounted for by the fact that there was a Council of Censors, whose duties were somewhat analogous to that of giving extra judicial opinions. A statute, however, in this State confers upon the governor the authority to require the opinion of the judges of the Supreme Court upon questions of law relating to the discharge of his duties. In 1863 the General Assembly passed an act which was approved by the governor, allowing soldiers in the service of the United States to vote at places outside of the State. The 12th section of the same statute declared that "this act shall not take effect until the governor submits the same to the judges of the Supreme Court, with the inquiry, 'Are the provisions of this act constitutional?' and until the governor has obtained in writing the opinion of said judges thereon: and if the said judges decide that the provisions of the act, or certain parts thereof, are unconstitutional, then the same, or such parts thereof as said judges shall decide are unconstitutional, shall be null and void, and the residue thereof shall remain in full force and virtue." The governor accordingly requested the opinion of the judges, who replied that the statute was constitutional as applied to the election of members of congress and presidential

[1] Opinion of the Court, 63 N. H. 625 (1885).
[2] Opinion of Justices, 3 R. I. 299.
[3] Opinion of Judges, 30 Conn. 591.
[4] Opinion of Judges, 32 Conn. 565.
[5] Reply of the Judges, 33 Conn. 586.

electors, but was unconstitutional as applied to the election of State officers.[1]

Outside of New England, there are only two or three States in which this practice prevails.

The judges of the Federal Courts cannot be required to give advisory opinions, and they have never expressed opinions of this character. President Washington requested the opinion of the judges of the Supreme Court upon one occasion in 1793, but they declined to answer.

CHAPTER III.

ATTORNEYS, COUNSELLORS AND BARRISTERS.

Section 29. Thomas Morton.

Thomas Morton is described by Governor Bradford as "a kind of a petie-fogger of Furnefells Inne"; but he appears to have been educated for the bar in England and to have come to Massachusetts in 1624 or 1625, with Captain Wollaston, and to have settled at Mount Wollaston, now in Quincy. For three or four years he was a thorn in the side of the pious fathers of the Colony. He held high carnival at his place, which he named Merry Mount, and became lord of misrule and a teacher of atheism. He set up a May-pole, to which he invited the Indian women, and spent his time in drinking and dancing and composing "rimes and verses." He also sold guns and powder and shot to the Indians and taught them how to use them with deadly effect. He was warned by the chiefs to desist, but he defied them, and barricaded himself in his house. Accordingly, their patience being exhausted, Captain Myles Standish was sent to arrest him in 1628, and finally captured him in his house with arms in his hands, but too drunk to use them. He was then set in the "billows" and shipped back to England. The expense of this expedition against Morton was assessed upon eight different plantations. In 1637 he published a book about Massachusetts, entitled "New English Canaan," which Governor Bradford says was an infamous and scurrilous book, full of lies and slanders against many godly and chief men of the country; for which and other matters, being then "grown old in wickedness," he was subsequently imprisoned in Boston.[2]

Mr. James Savage in his valuable notes to Winthrop's History of New England, page 41, expresses the opinion that Morton sailed in the Charity and arrived in June, 1622, several years earlier than Governor Bradford states. Upon the title page of his book Morton described himself as "of Clifford's Inn, Gentleman," and claimed to have had ten years' knowledge and experience of the country.

To defray the charges of Morton's transportation back to England, to pay his debts in Massachusetts "and to give satisfaction to the Indians for a canoe he took unjustly from them,"

[1] Opinion of the Judges, 37 Vt. 665.

[2] Bradford's History of Plymouth Plantation (ed. 1898), pp. 284-294, 303;
Washburn, 54, 55;
Hubbard, 103, 427-431;
Davis' Morton, 136-141.

it was ordered by the Court on September 7, 1630, that all his goods should be seized and his house burnt to the ground in sight of the Indians.[1]

It was Thomas Morton who originated the ludicrous story of vicarious punishment which is thus described in Butler's Hudibras:

"Our brethren of New England use
Choice malefactors to excuse,
And hang the guiltless in their stead,
Of whom the churches have less need.
. . . . . .
A precious brother having slain,
In time of peace, an Indian,
. . . . . .
The mighty Tottipotimoy
Sent to our elders an envoy,
Complaining sorely of the breach
Of league, held forth by brother Patch.
. . . . . .
For which he craved the saints to render
Into his hands, or hang the offender.
But they, maturely having weighed,
They had no more but him of the trade,—
A man that served them in a double
Capacity, to preach and cobble,—
Resolved to spare him; yet to do
The Indian Hogan Mogan too
Impartial justice, in his stead did
Hang an old weaver that was bed-rid."

Hubbard seems to think that there was a grain of truth in this story.[2]

Nathaniel Ward, the author of the Body of Liberties and the "Simple Cobbler of Agawam," studied and practised law in England for at least eight years (1607–1615). In 1618 he entered the ministry, and continued to preach until he was suspended for Puritanism in 1633 by Archbishop Laud. In 1634 he arrived in Massachusetts, and settled at Ipswich. His great work, the Body of Liberties, consisting of one hundred fundamental laws, was prepared about 1638; in 1639 it was presented to the General Court and to the governor and deputy governor; and in 1641 it was adopted by the people. This body of laws was a masterpiece and to it may be traced many of the laws now in force. He is also entitled to credit for stopping the practice of the magistrates in giving private advice to parties before the case came to a public hearing.[3]

Section 30. Nathaniel Ward.

Richard Bellingham was bred a lawyer in England, and came to Massachusetts in 1634. He was one of the original patentees named in the Charter, and played a prominent part in the public affairs of the Colony. He was elected a magistrate or assistant in 1635, and served for many years. In 1641 he was elected governor. He was particularly noted for his sterling honesty, being a great hater of bribes in every form, and for his sound judgment. He was not a fluent speaker, being, as Hubbard quaintly expressed the idea, "like a vessel whose vent holdeth no good proportion with its capacity." He died at Boston, December 7, 1672, aged eighty years, and was buried in the old Granary burial ground.[4]

Richard Bellingham.

Thomas Leckford was at one time, about 1640, the only attorney practising in Massachusetts who had been educated for the bar. Washburn aptly describes him as "the embodied Bar of Massachusetts Bay," and states that he came to the Colony in 1637 to seek his fortune in the practice of his profession. He argued and disputed with the magistrates, however, and rendered himself very unpopular, and in 1639 he was disbarred.[5] It may have been his conduct which led to the adoption of Liberty No.

Thomas Leckford.

[1] 1 Savage's Winthrop, 41, 42.
[2] Hist. New England, 77 (ed. 1848).
[3] Savage's Winthrop, I, 183 note, 388; II, 42, 66; Whitmore's Colonial Laws, Introduction, 8, 9, 18.
[4] Hubbard, 610; Savage's Winthrop, I, 173 note; II, 36, 41.
[5] Washburn, 53, 54; 2 Savage's Winthrop, 43, 44.

26 in 1641, prohibiting the payment of a fee or reward for attorneys' services. Shortly afterwards he returned to England and within a few years Liberty No. 26 was repealed. If he had remained in Massachusetts and had left successors of the same type of character, Liberty No. 26 might still be in force.

Roger Ludlow.

Roger Ludlow was probably the only man among the early settlers of Connecticut who had received a legal training in England. He took a prominent part in framing the "Fundamental Orders" of 1639, inspired by the famous sermon of Thomas Hooker, preached before the General Court at Hartford, May 31, 1638. Ludlow is especially distinguished as the author of the first Connecticut Code of 1650. In 1646 he was requested by the General Court to prepare this Code, or "Body of Lawes," and was engaged upon the work four years. His Code displays great ability and research, as well as originality, and was the most elaborate of its time in New England.[1]

Many of the early governors and magistrates were educated for the bar in England, but never practised law in this country. The most conspicuous among these were Winthrop, Bellingham, Dudley and Humfrey.[2] It is to the originality and constructive ability and independence of these men that we owe many improvements in American law upon early English law.

During the whole of the Colonial period, the legal profession stood very low in the scale of morals. It is, however, consoling to know that most of the attorneys who practised at this time were not bred to the bar, but had been in trade or business of one kind or another. Amos Richardson was a tailor; Checkley, and Watson, and Coggan, were merchants, and the famous Bullivant was an apothecary and physician. During the century preceding the Revolution, however, the character of the legal profession improved greatly, and it had many learned, able and upright members. The English distinction between barristers and attorneys was preserved in Massachusetts.

Barristers.

In 1768 there were twenty-five barristers in Massachusetts, among whom were Richard Dana, James Otis, jr., and Samuel Quincy of Boston; John Lowell of Essex; James Putnam of Worcester; Robert Treat Paine of Bristol, and Pelham Winslow of Plymouth.[3]

As late as 1806 the term "barrister" was used in the rules of the Supreme Judicial Court of Massachusetts, adopted at the March term of that year.[4]

In Connecticut there seem to have been no grades in the profession; the name barrister was not employed, and all lawyers were called attorneys, and could plead at the bar, as well as transact any other legal business.[5]

Wigs and Gowns.

The barristers as well as the judges wore gowns, bands and wigs. Upon the hearing of Paxton's case, Quincy's Reports, 51, in 1761, relating to writs of assistance, their appearance is thus described by President John Adams in a letter to Mr. Tudor: "In this chamber were seated at a long table all the Barristers of Boston, and its neighboring County of Middlesex, in their gowns, bands and tye-wigs. They were not seated on ivory chairs, but their dress was more solemn and more pompous than that of the Roman Senate when the Gauls broke in upon them."[6]

[1] Judicial Hist. Conn. 10, 13, 64 (1895).
[2] Savage's Winthrop, II, 44 note.
[3] Washburn, 51, 200, 201.
[4] 2 Mass., 73, Rule IV.
[5] Swift's System, vol. 1, p. 102.
[6] Washburn, p. 163.

The low esteem in which the forefathers held lawyers is also evidenced by the way they treated the legal profession in the matter of fees.

Section 31. Attorneys' Fees.

By Article No. 26 of the Body of Liberties, adopted in 1641, it was expressly provided that "Every man that findeth himself unfit to plead his own cause in any court shall have the liberty to employ any man against whom the court doth not except, to help him, provided he give him no fee or reward for his pains." This statute seems to have remained in force for a few years only, however, and was probably dropped prior to 1649. It is certain that it was not inserted in the Revision of the Statutes of 1660, which purported to contain all the statutes then in force.[1]

As has been elsewhere suggested, Thomas Leckford was probably the cause of the adoption of this so-called liberty, and as he left Massachusetts Bay in disgrace in 1641, and returned to England, it is possible that the statute was repealed shortly after his departure.

About the year 1686, a table of attorneys' fees was established in Massachusetts, and attorneys were obliged upon admission to the bar to take oath, not only that they would not charge larger fees than those established by law, but that they would be "contented with such fees" as were allowed by the Council, or by the judges of the Superior Court.[2]

The legislative attempts to regulate attorney's fees have been few and short lived.

Since the Revolution, if not before, counsel as well as attorneys have been allowed to recover fees for professional services in an action at law; contrary to the English rule with respect to counsel. In the absence of a special agreement with the client, the fees should be commensurate with the value of the services performed by the attorney or counsel, some regard being paid to his standing in the profession for learning and skillfulness.[3]

The courts early adopted rules and orders respecting admission to the bar. In Massachusetts, an order was passed on July 26, 1686, regulating the admission of attorneys, and at this term Giles Masters, Anthony Checkley, John Watson, Nathaniel Thomas and Christopher Webb were, upon taking the oath, admitted as attorneys.[4]

Section 32. Admission to the Bar.

Since the time of Lord Holt (1701) the attorney's oath of office has required him to conduct himself "in the office of an attorney within the courts" according to the best of his knowledge and discretion, and with all good fidelity as well to the courts as to his clients. In addition to this oath he has, since the Revolution, been obliged to take the oaths to support the Constitutions of the United States and of the State in question.[5]

In 1785 it was enacted that no person should be admitted to practice law in Massachusetts until he had taken and subscribed the attorney's oath of office.[6] This statute remained in force until 1836, and during this time no person who had not complied with the terms of this statute, even if he had been regularly admitted in a sister State, could recover fees for

[1] Whitmore's Colonial Laws Massachusetts, pp. 1, 27, 28, 39.

[2] Washburn, 88, 89.

[3] Vilas v. Downer, 21 Vermont, 419;
Briggs v. Georgia, 10 Vermont, 68;
Brackett v. Norton, 4 Conn. 517;
Smith v. Davis, 45 N. H. 566;
Ames v. Potter, 7 R. I. 265;
Codman v. Armstrong, 28 Maine, 91;
Hallett v. Oakes, 1 Cushing, 296.

[4] Washburn, 88.

[5] Gray, C. J. in Robinson's Case, 131 Mass. 376, 379.

[6] Mass. St., 1785, c. 23.

his services performed in this State.[1] In Maine, a somewhat similar statute was enforced as late as 1874.[2]

In 1806 it was provided by a rule of the Supreme Judicial Court that "No attorney or counsellor shall hereafter be admitted without a previous examination." At the same time examiners were appointed by the court from among the leading barristers and counsellors for the counties of Suffolk, Essex, Middlesex, Hampshire, Bristol, Worcester, York, Cumberland, Lincoln, Kennebeck, Plymouth and Berkshire. Those appointed for Suffolk county were Messrs. Parsons, Gore, Dexter, Otis, W. Sullivan and C. Jackson. For Essex county, Messrs. Dane, Livermore, Prescott, Putnam and Story were appointed. Middlesex was represented by Messrs. Ward, T. Bigelow and Dana.[3]

This practice of appointing bar examiners for the several counties continued until 1897, when a statute was passed establishing a State board of bar examiners, consisting of five members, no two of whom shall reside in the same county.[4]

The power to make reasonable rules for the admission and removal of members of the bar is inherent in every court,[5] and has been frequently exercised by the courts.[6] An attorney is generally regarded as an officer of the court, and as such is subject to all reasonable rules and regulations adopted by the court relating to the practice of the law. In Massachusetts this rule prevailed as early as 1701.[7]

In Connecticut the first statute relating to the admission of attorneys was enacted in 1708. This statute, however, contemplated an approval by the court in each particular case in which an attorney appeared, and did not provide for the general admission of attorneys. It was not until 1750 that Connecticut passed an act with respect to the general admission of attorneys to practice. This statute of 1750, with a few verbal changes, remained in force until 1890, in which year a State examining committee of fifteen members was established.[8]

The act of 1708 declared "that no person except in his own case, shall be admitted to make any plea at the bar without being first approved of by the court before whom the plea is to be made, nor until he shall take in the said court the following oath, viz.: You shall do no falsehood, nor consent to any to be done in the court, and if you know of any to be done, you shall give knowledge thereof to the justices of the court, or some of them, that it may be reformed. You shall not wittingly and willingly promote, sue, or procure to be sued, any false or unlawful suit, nor give aid or consent to the same. You shall delay no man for lucre or malice, but you shall use yourself in the office of an attorney within the court according to the best of your learning and discretion, and with all good fidelity, as well to the court as to the client. So help you God."

In 1795 the rule or custom had become established in Connecticut that no candidate for the bar would be admitted unless he had served an apprenticeship in a law office for two years, in case he had enjoyed a liberal education, and for three years, in case he had had only a common education.[9]

The modern methods of the trust to restrict

[1] Ames v. Gilman, 10 Metcalf, 239.
[2] Perkins v. McDuffee, 63 Maine, 181.
[3] 2 Mass., 72, 73, 75.
[4] Mass. St., 1897, c. 508.
[5] Bryant's case, 24 N. H., 149, 158; Manning v. French, 149 Mass., 391, 398-9.
[6] 121 Mass., 600.
[7] Washburn, 189.
[8] In re Hall, 50 Conn., 131; Judicial Hist. Conn., 185, 186 (1895).
[9] Swift's System, vol. 1, p. 103.

competition were tried for one year in Connecticut with respect to attorneys. By the statute of 1730 it was enacted as follows: "That there shall be allowed in the Colony eleven attorneys and no more, viz.: Three attorneys in the County of Hartford, and the other four counties to have two attorneys to plead at the bar in each respective county, and no more." Fortunately for the profession as well as for the community this statute was repealed in 1731, and the policy has not since been revived.[1] It is perhaps needless to observe that the former statute did not originate in a desire on the part of the lawyers to increase their own profits by limiting the number of legal practitioners; and this is sufficient to prove that no lawyers' trust existed or was contemplated.

Section 33. Disbarment.

The courts from the earliest times have asserted the power to remove attorneys for malpractice, crimes and offences of many kinds. Proceedings for disbarment are not of a criminal nature; they do not require a presentment by a grand jury; nor is the attorney entitled to a trial by jury. Their "primary purpose is not punishment, but the preservation of the purity of the courts and the protection of the public from attorneys who disregard their oath of office."[2]

The first attorney in New England to suffer disbarment was Thomas Leckford. His offence consisted in "going to the Jewry and pleading with them out of Court." The Quarter Court in September, 1639, accordingly disbarred him "from pleading any man's cause hereafter, unless his own." In 1641 he returned to England, where he had been educated for the bar, and revenged himself by publishing in 1642 his book entitled "Plain Dealing, or News from New England."[3] Not being allowed to practice law in Massachusetts, he earned a scanty living for two years by copying papers and we are under a deep obligation to him for making the only contemporaneous copy of the manuscript of the Body of Liberties of 1641 now in existence.[4]

Attorneys who indulged in sharp practice were sometimes lectured in open court. Judge Sewall in charging the grand jury in the new Town House of Boston on May 5, 1713, admonished the attorneys in the following quaint phrases, which were then in vogue: "Let this large transparent costly glass serve to oblige the attorneys always to set things in a true light. May that proverb, 'Golden chalice and wooden priests,' never be transferred to the civil order, and let the character of none of them be 'Impar Sibi.' Let them remember they are to advise the court as well as plead for their clients."[5]

Section 34. Women as Attorneys.

Within the present generation the question of the right of women to practice law has received much attention. By the common law of England and America down to the Revolution women could not become attorneys at law. The question has given rise to much difference of opinion among the courts of New England. In 1881 it came before the Supreme Judicial Court of Massachusetts in Robinson's case, 131 Mass., 376, and it was held in an elaborate

[1] Judicial Hist. Conn. 184 (1895).

[2] Ex parte Bronnsall, Cowper, 829;
Randall, petitioner, 11 Allen (Mass.), 473;
Kimball's Case, 64 Maine, 140;
Bryant's Case, 24 N. H. 149;
Boston Bar Association v. Greenhood, 168 Mass. 169, 183;
Delano's Case, 58 N. H. 5.

[3] Washburn, 53, 54.

[4] Whitmore's Sketch of Colonial Laws, 8, 9. This copy is known as the Hutchinson manuscript and is now (1899) in the custody of the Boston Atheneum.

[5] Sewall's Journal, quoted in Wash. Jud. Hist. Mass., 262.

opinion by Mr. Chief Justice Gray that according to the then existing laws women could not be admitted to practice as attorneys. In 1882 the same question arose in Connecticut and in 1890 in New Hampshire, in both of which cases the courts held that women were eligible to the bar.[1]

In 1882 the legislature of Massachusetts reversed the rule announced by the court, and enacted that "the provisions of law relating to the qualification and admission to practice of attorneys at law shall apply to women;"[2] and since then many women have been admitted to the bar.

The right to practice law in the State courts is not a "privilege or immunity" of a citizen of the United States, and therefore, although a woman may be a citizen of the United States, she is not entitled under the Constitution to act as an attorney at law. Each State has the power to prescribe the rules and qualifications for admission to the bar of its own courts, and the exercise of this power is not affected by the Federal Constitution, and cannot be controlled by the Federal Courts. In the Supreme Court of the United States, however, and in many of the lower Federal Courts, women are admitted to practice upon the same terms as men.[3]

CHAPTER IV.

THE POWER OF THE JUDICIARY TO DISREGARD UNCONSTITUTIONAL STATUTES.

I. INTRODUCTORY.—II. EARLY CASES AND OPINIONS UPON THIS POWER.—III. CAUSES WHICH LED TO THE GENERAL ADOPTION OF THIS POWER.—IV. LIMITATIONS OF THIS POWER.—V. EXTENT AND EFFECT OF THIS POWER.

I. INTRODUCTORY.

Section 35. Distinguishing Characteristic of our Judicial System.

The judicial system of the United States is distinguished from that of every other country by the power of the judicial courts to declare statutes unconstitutional and void, and to disregard such statutes in deciding upon the rights of parties judicially before the court. In no other country does this power exist. It is a distinctive characteristic of the courts held within the territory of the United States; and the power is exercised by both the State Courts and the Federal Courts. It is true that several English judges have said in effect that an Act of Parliament contrary to common reason or the laws of nature, was void; but no English court in banc has ever expressed such an opinion; nor has this power been recognized or conceded to exist in the courts by Parliament or by the Crown, or by the English people. On the contrary, Parliament is omnipotent, and can change the English Constitution at any time by a simple act of legislation, and the English courts

[1] In re Hall, 50 Conn. 131;
Richer's Petition, 66 N. H. 207.

[2] Mass. St. 1882, c. 139, approved April 10, 1882.

[3] Bradwell v. State, 16 Wallace, 130;
In re Lockwood, 154 U. S. 116.

are bound to enforce the new statute, however inconsistent with their views it may be.[1]

The fact that England has no written constitution, while America has written constitutions, does not account for this difference in the judicial systems of the two countries. France, Switzerland and Germany have also written constitutions, but their courts have no power to pronounce laws unconstitutional.

In all countries, except the United States, this power of passing upon the constitutionality of statutes or proposed statutes is not conferred upon the judicial department, but upon some other department of the government, or rests with the voters in the exercise of their political rights. In France, for instance, the Constitution ordains that the legislature shall not pass laws of a certain nature; but these constitutional provisions are only binding upon the consciences of the members of the legislature, and cannot be enforced by the courts even for the protection of private rights.[2] Until a statute is repealed by the legislature, the courts must give effect to it, and the rights of individuals are governed by it. The judiciary merely construes the statute in foreign countries, and does not undertake to deny the power of the legislature to pass the law.

Upon this subject De Tocqueville in his "American Institutions" remarks: "Confederacies have existed in other countries beside America; I have seen Republics elsewhere than upon the shores of the New World alone: the representative system of government has been adopted in several States of Europe; but I am not aware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans."[3]

On pages 128 and 129 of the same work, De Tocqueville adds: "This power is the only one which is peculiar to the American magistrate, but it gives rise to immense political influence. In truth, few laws can escape the searching analysis of the judicial power for any length of time, for there are few which are not prejudicial to some private interest or other, and none which may not be brought before a court of justice by the choice of parties, or by the necessity of the case. . . . The political power which the Americans have intrusted to their courts of justice is therefore immense; but the evils of this power are considerably diminished by the impossibility of attacking the laws except through the courts of justice. If the judge had been empowered to contest the law on the ground of theoretical generalities—if he were able to take the initiative, and to censure the legislator—he would play a prominent political part; and as the champion or antagonist of a party, he would have brought the hostile passions of the nation into a conflict. But when a judge contests a law in an obscure debate on some particular case, the importance of his attack is concealed from public notice; his decision bears upon the interest of an individual, and the law is slighted only incidentally. . . . I am inclined to believe this practice of the American courts to be at once most favorable to liberty and to public order. . . . Within these limits, the power vested in the American courts of justice, of pronouncing a statute to be unconstitutional,

[1] 1 Blackstone's Com., 160;
Vanhorn v. Dorrance, 2 Dallas (U. S. Cir. Ct.), 304, 307, 308.

[2] Dicey, Law of the Constitution, ch. II, p. 125 (3d ed., 1889);
Bryce, Am. Com. I, 430, note (1st ed.);
Const. Hist. U. S., Preface by Henry W. Rogers, pp. 10-13.

[3] American Institutions, p. 123, ch. VI (Prof. Bowen's edition 1870).

forms one of the most powerful barriers which has ever been devised against the tyranny of political assemblies."

A. V. Dicey in his work on "The Law of the Constitution" (3d ed. 1889), page 128, referring to this peculiarity of the American judicial system, says: "This system, which makes the judges the guardians of the Constitution, provides the only adequate safeguard which has hitherto been invented against unconstitutional legislation."

Hon. Charles Andrews, lately chief judge of the New York Court of Appeals, well says in an address delivered on June 27, 1898, before the Yale University Law School, and published in 58 Albany Law Journal, page 9: "The real security against unconstitutional legislation is found, not in the limitations of the Constitution, but in the fact of the existence of one independent body clothed with the function of measuring the validity of legislation by the test of the Constitution."

Section 36. Supremacy of the Constitution.

The fundamental conception underlying this power of the courts and upon which it is founded, is the Supremacy of the Constitution; the idea that the act of the people in adopting a Constitution is of higher authority than the act of the people's representatives in enacting a statute. It is expressly provided in the Constitution of the United States that it shall be "the Supreme law of the land." Some of the State Constitutions contain like provisions with respect to the States. But the conception of the Constitution's supremacy originated before the adoption of the Federal Constitution, and irrespective of an explicit declaration to that effect in any State Constitution. This appears from several cases decided prior to 1789, holding State statutes unconstitutional, although the Constitutions in question were silent in regard to constitutional supremacy.[1]

In the great case of Marbury v. Madison, 1 Cranch, 137 at 177, Chief Justice Marshall said upon this point: "It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it, or that the legislature may alter the Constitution by an ordinary act. Between these alternatives there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable. Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the legislature, repugnant to the Constitution, is void."

The conception of the supremacy of the Constitution also originated in the United States, and was not recognized in any other country until long after it was firmly established in America.

James Wilson, in a speech delivered on November 26, 1787, in the Convention of Penn-

[1] Trevett v. Weeden, Rhode Island Supreme Court, Sept. 1786; Pamphlet by J. W. Varnum (1787); S. C., 2 Chandler's Crim. Trials, 269;
Commonwealth v. Caton, 4 Call. (Va.), 5 (1782). In this case President Pendleton suggested to the legislature "The propriety of making the principles of the Constitution the great rule to direct the spirit of their laws." Page 18.

sylvania, on the expediency of adopting the Federal Constitution, says: "To control the power and conduct of the legislature by an overruling constitution, was an improvement in the science and practice of government reserved to the American States." [1]

In Vermont and Connecticut, however, the doctrine of the supremacy of the Constitution was not adopted or generally recognized until after the adoption of the Constitution of the United States. [2]

Writing in 1795, Judge Swift of Connecticut, said upon this subject: "A question of importance has been agitated respecting the power of a legislature to alter the Constitution of a State. But it is generally agreed that where a Constitution has been framed by the people at large, by convention appointed for that purpose, or by the tacit agreement of the people, that no legislature has the power to alter it, and that the right rests in the people alone." [3]

The conception of a supreme law relating to fundamental matters adopted by the people, and to be of a higher character than ordinary statutes, was clearly marked out by the early settlers in Massachusetts and Connecticut. The famous "Body of Liberties" adopted in 1641, containing one hundred fundamental laws, embodied this conception in permanent form. The preamble to this body of laws declared that these following rights, liberties and privileges shall be "inviolably enjoyed and observed throughout our jurisdiction forever," and article 98 provided that such of these laws as were not altered or repealed by the General Court within three years, "shall stand so ratified." Prior to the adoption or promulgation of these laws by the General Court, they were submitted to the magistrates and elders and freemen in the several towns and approved by them, and published to all the people. [4]

The idea of a body of fundamental laws, "in resemblance to a Magna Charta," originated in Massachusetts as early as 1635. In that year it was decided to appoint a committee or board to frame such a body of laws.[5] The matter was considered by several General Courts and referred to some of the magistrates and elders, but no progress was made in framing such laws until Mr. Cotton and Reverend Nathaniel Ward were appointed. Each of these gentlemen prepared a draft and presented it to the General Court in 1639, and the latter body committed both drafts to the governor and deputy governor to consider, and to revise for the next General Court.[6] The draft prepared by Mr. Ward was adopted, without substantial change, in 1641.[7]

While the Body of Liberties was under consideration in Massachusetts, the first planters of Connecticut, consisting of the freemen of the three towns of Windsor, Hartford and Wethersfield, assembled at Hartford and drew up and adopted the first written constitution of representative government in history. They called this constitution "The Fundamental Orders of Connecticut," and it was adopted in 1639. It contained eleven orders or laws of a fundamental nature; provided for the election of officers, both executive and legislative, and prescribed rules and modes of government.[8]

[1] American Eloquence, vol. 1, p. 80, edited by Frank Moore (D. Appleton & Co. 1859).

[2] Preface to 1 D. Chipman's (Vt.) Reports, 25; "The Three Constitutions of Connecticut," by S. E. Baldwin, in Papers of the New Haven Colony Historical Society, vol. V. page 202.

[3] Swift's System of Laws, p. 62.

[4] Savage's Winthrop, I, 388–389; II, 66; Whitmore, Colonial Laws, 8, 9.

[5] Savage's Winthrop, I, 191.

[6] Savage's Winthrop, I, 388.

[7] Savage's Winthrop, II, 66.

[8] Baldwin's "Three Constitutions of Conn." 180–182; Conn. Col. Records, I, 20.

II. EARLY CASES AND OPINIONS UPON THIS POWER.

Section 37. New England.

James Otis of Massachusetts seems entitled to the credit of being the first man in New England to bring the doctrine, that the courts should possess the power to disregard unconstitutional statutes, before the people, in such a manner as to render it popular among the Colonists. In his famous argument in 1761 against the validity of Writs of Assistance, in Paxton's Case, Quincy 51, 56 note, he boldly maintained that an Act of Parliament against the Constitution is void, and that its invalidity may be declared and acted upon by the courts of justice; "and thus foreshadowed the principle of American Constitutional law, that it is the duty of the judiciary to declare unconstitutional statutes void.[1] These writs of assistance were granted to the officers of the customs, and authorized them to enter ships, warehouses and even dwelling houses in the search for contraband and uncustomed goods. This authority had been greatly abused by the customs officers of the Crown, and had rendered the Acts of Parliament under which they were issued very unpopular in the Colonies. "The people grew uneasy," Hutchinson tells us, "under the exercise of this assumed authority," and resisted and sued the officers.[2] Otis had been Advocate General until shortly before his argument in Paxton's case, and resigned his office in order to avoid the unpatriotic duty of arguing in favor of these writs.[3] Although the court decided against the proposition advanced by Otis and issued the writ in Paxton's case, his argument appealed strongly to the popular feeling, and aroused great enthusiasm in Massachusetts, and paved the way for the subsequent adoption of his view by the American people. This view was repeatedly asserted by Otis on other occasions, and in the course of the disputes with England, it became a favorite argument with the Colonists in resisting the Crown.[4]

Referring to Paxton's case, Thomas Hutchinson, who sat as chief justice in this case, and was the last royal governor of Massachusetts Bay, says in his history (pages 94 and 95): "The people were taught that innovations, under pretense of law, were now confirmed by judgment of Court incompatible with English liberties, and that the authority of courts of admiralty, and the powers of custom-house officers, always deemed grievous because unconstitutional, were now established by judges devoted to the prerogative." [5]

Until after the adoption of the Constitution of the United States in 1789, the progress of this doctrine in Massachusetts and throughout the country was slow and uncertain. Mr. J. B. Cutting in a letter to Thomas Jefferson, dated July 11, 1788, says that a case had been decided in Massachusetts, holding a statute unconstitutional.[6] He does not give the names of the parties, however, or any other particulars, and no record of such a decision has yet come to light. It seems safe to affirm

Massachusetts.

[1] Note on Writs of Assistance, Appendix 1 to Quincy's Report, p. 521, supposed to have been prepared by Mr. Justice Horace Gray of the U. S. Supreme Court.

[2] 3 Hutchinson's Hist. Mass., 92.

[3] Washburn's Jud. Hist. Mass., 186.

[4] Jeffries v. Sewall, John Adams's Works, vol. 2, p. 139; Rights of the British Colonies, pp. 41, 61, 62, 71-73, 109, 110.

[5] Extracts from this celebrated speech by Otis are given in the Diary of John Adams, App. 523, 524; Minot, vol. II, pp. 91–99, Barry's Hist. Mass. (2d ed.), 264–267.

[6] 2 Bancroft, Hist. Const. U. S., pp. 472-473.

that no Massachusetts decision to that effect was rendered before the Federal Constitution became the law of the land.

It was not until 1804 that this power seems to have been asserted by the courts of Massachusetts, and then only in a very mild form. In Stoughton v. Baker, 4 Mass., 522 at 529, Chief Justice Parsons said: "The legislature may make all laws not repugnant to the Constitution; and we do not know that this law is repugnant to it." In 1814, an act of the Massachusetts legislature, suspending the operation of a general law in favor of an individual, was held unconstitutional by the court in the case of Holden v. James, 11 Mass., 396.

In its early stages the doctrine encountered vigorous opposition, both from the legislative and from the executive departments and also from the people. In Vermont, until the adop-

Vermont.

tion of the Constitution of the United States, or later, it was the general opinion that the legislature was supreme; that the courts had no power to declare a legislative act unconstitutional; and the contrary view was considered "anti-republican," as Judge Chipman expresses it.[1]

Dupy v. Wickwire, 1 D. Chipman (Vt.), 237, decided in 1814, is believed to be the first case in this State declaring a statute unconstitutional. It was an action of debt to recover a penalty of $300 under a statute for the support of the poor. The ground of action was that the defendant, contrary to the terms of the statute, had transported into the town of Readsborough one Jacob Morse, a poor person, not having a legal settlement in said town, with the intent to make the town chargeable with his support. The plaintiff sued on behalf of himself and of the town of Readsborough. At the trial in the County Court the plaintiff offered the deposition of the pauper in evidence, but it was excluded because the caption omitted the *qui tam*. The plaintiff then procured an act of the legislature, directing the deposition to be read in any future trial of the action, notwithstanding the irregularity in the caption. The court held that the deposition was competent evidence on general principles, but not by virtue of the statute. In an opinion "by the court" it is stated: "The act is most clearly unconstitutional and void. It is an attempt of the legislature to make a judicial decision in a particular case; but the Constitution of this State prohibits the legislature from the exercise of any judicial powers. The act is also retrospective in its operation, is rather in the nature of a legislative sentence, order, or decree, than of a law." Page 238.

In Connecticut the early opinion was strongly opposed to this doctrine. "English precedents," Judge Simeon E. Baldwin informs us, "had made our ancestors fa- **Connecticut.**
miliar with the omnipotence of Parliament, and some of our Colonial assemblies were deemed to have powers hardly less great, so long as they did not contravene the laws of the mother country or the allegiance due to the British Crown."[2] The Charter of 1662, which was generally regarded and accepted as the Constitution or fundamental law of the State until 1818, invested the legislature virtually with supreme power in all departments of government, and until 1807 the upper house was also the Supreme Court of the

[1] 1 D. Chipman's Vt. Reports, Preface, 22-26.
Const. Hist. Vermont, by J. W. Rowell, 4 New Eng. States, p. 1397.

[2] "The Three Constitutions of Connecticut," a paper read before the New Haven Colony Historical Society (1889 and 1891), vol V. of the Society Papers, page 202.

State, to which all appeals from other courts were taken.[1] It is true that Symsbury's Case, Kirby's Reports, 447, 452, decided in 1784 by the Supreme Court of Errors, contained the germ of the doctrine that the courts may declare unconstitutional statutes void and inoperative; but this case did not squarely decide the question. As late as 1795 the prevailing view was that the judiciary did not possess this power. In that year, Zephaniah Swift, who was then a distinguished lawyer and afterwards chief justice of Connecticut, published his book on "The System of Laws in Connecticut," in which he maintained that this doctrine was untenable and unfounded in truth and reason, although he conceded that it was "popular and prevalent."

Judge Swift's arguments are vigorous and concise, and are well worthy of serious consideration, even now. He says in his work just mentioned:

"The legislature must be considered as the supreme branch of the government. Previously to their passing an act, they must consider and determine whether it be compatible with the constitution. Being the supreme power, and bound to judge with respect to the question in the first instance, their decision must be final and conclusive. It involves the most manifest absurdity, and is degrading to the legislature, to admit the idea, that the judiciary may rejudge the same question which they have decided; and if they are of a different opinion, reverse the law, and pronounce it to be a nullity. It is an elevation of the judiciary over the heads of the legislature; it vests them with supreme power, and enables them to repeal all the laws, and defeat all the measures of the government. Whenever a law is passed by the legislature, the first business of the courts will be to decide whether it be constitutional and valid. The lowest courts must permit the question to be seriously and deliberately agitated before them, respecting the validity of the law, and then they must solemnly decide, whether an act passed by the supreme legislature be constitutional and obligatory on the people. Indeed the necessary consequence is that no law passed by the legislature, can be deemed binding, till it has received the sanction of the supreme judiciary, and has been declared to be constitutional. The lower courts may decide differently, and the obligation to obey a law may be uncertain, till some individual brings the question before the supreme tribunal for ultimate decision. Where this tribunal is composed of one branch of the legislature, perhaps no danger could arise, because they must have previously in their legislative capacity, decided the law to be constitutional; but where the judiciary are independent of the people and the legislature, and hold their offices by an appointment of the supreme executive, it is a total prostration of the government, to vest them with a power of deciding that legislative acts are null. The legislature will lose all regard and veneration in the eyes of the people, when the lowest tribunals of judicature are permitted to exercise the power of questioning the validity, and deciding on the constitutionality of its acts—a principle so dangerous to the rights of the people, and so derogatory to the dignity of the legislature, cannot be founded in truth and reason."[2]

In New Hampshire, an act of the General

[1] Same Paper by Judge Baldwin, vol. V, pp. 208, 209; Calder v. Bull, 3 Dallas, 386, 395; Butler, J. in Opinion of the Judges, 30 Conn. 591 at 596.

[2] Swift's System of the Laws of Connecticut, vol. 1, pp. 52, 53.

Court granting a new trial to the unsuccessful party in the case Gilman v. McCleary was declared unconstitutional by the Superior Court in 1791. The legislature, however, did not acquiesce in the exercise of this power by the court; but on the contrary, passed at least four other statutes between 1791 and 1817 granting new trials in actions then pending in the courts; all of which statutes were also pronounced unconstitutional, and new trials refused by the highest court of New Hampshire.[1] In 1818 this question was finally settled in favor of the court's power in a learned opinion delivered by Judge Woodbury in Merrill v. Sherburne, 1 N. H., 199.

New Hampshire.

In Rhode Island the judges of the Superior Court displayed great courage and independence in defying the legislature in the important case of Trevett v. Weeden, decided in September, 1786. This was the first case in New England, and the second, or possibly the third, case in the United States, in which a statute was disregarded by a court on the express ground that it was unconstitutional. The Superior Court was the highest court of the State, and the judges who participated in this famous judgment were Chief Justice Mumford and Associate Justices Hazard, Tillinghast, Davol and Howell. The defendant, John Weeden, was a butcher in Newport, who, on September 13, 1786, refused to accept certain paper money issued by the State under an act passed by the Assembly in May, 1786, which made the bills a legal tender in payment of debts at par with coin. The plaintiff, John Trevett, had purchased meat of Weeden in the open market and had tendered the bills in payment. The action was brought under a statute passed in August, 1786, which authorized the recovery of a sum of not less than six pounds nor more than thirty pounds for a refusal to accept the bills as payment. One-half of the penalty recovered went to the complainant and the other half to the State. The statute did not empower the court to empanel a jury, but on the contrary declared that the trial might be without a jury. The action was brought to trial before the five judges on September 25, 1786, and was tried on a plea to the jurisdiction, assigning among other grounds for the dismissal of the suit, that "the court is not authorized or empowered by said act to empanel a jury to try the facts charged in the information, and so the same is unconstitutional and void." James M. Varnum was counsel for the defendant and made a powerful argument in support of the plea to the jurisdiction of the court. The following day, September 26, 1786, the court ordered judgment for the defendant in these words: "The said complaint does not come under the cognizance of the justices here present, and that the same be and is hereby dismissed."

Rhode Island.

No written opinions were filed, but all the judges except the chief justice delivered oral opinions, stating the reasons for their judgment. Judges Howell, Davol and Tillinghast held the statute unconstitutional and therefore incapable of conferring jurisdiction upon the court, chiefly upon the ground that a jury trial was not allowed. Judge Hazard voted in favor of dismissing the action, and Chief

[1] Merrill v. Sherburne, 1 N. H., 109 (1818), citing on page 216 the four cases of (1) Gilman v. McCleary, Sept. 1791; (2) Chickering v. Clark, no date; (3) Butterfield v. Morgan, May, 1797; (4) Jenness v. Seavey, Feb. 1799. Judge Woodbury in delivering the opinion in the court in Merrill v. Sherburne states on page 216 that the decisions had been contradictory. See also Life of Plumer, p. 170; "Development of the Courts of N. H.," by A. S. Batchellor, in 4 New England States, p. 2305.

Justice Mumford announced the judgment without stating his reasons.

This decision astonished the legislature and created great excitement in the State. As soon as the General Assembly met in October, 1786, it ordered the judges to appear and give their reasons for such unheard of conduct. The preamble to the resolutions states that a judgment of a court declaring an Act of the Supreme Legislature to be unconstitutional and absolutely void, "is unprecedented in this State, and may tend directly to abolish the legislative authority thereof." Justices Hazard, Tillinghast and Howell appeared before the legislature, and argued in defence of the judgment at great length — Judge Howell occupying upward of six hours. The Assembly voted that it was not satisfied with the reasons given by the judges, and it was moved that they be dismissed from office. This motion was not passed; but at the following annual election of the judges by the Assembly, all the judges except Chief Justice Mumford failed to be re-elected. That the decision made considerable impression in the legislature, however, is evidenced by the fact that the statute under which the action was brought was repealed in December, 1786.[1]

In Maine, the first decision declaring a statute unconstitutional seems to have been the case of Proprietors of the Kennebec Purchase

Maine.

v. Laboree, 2 Greenleaf, 275, decided in 1823, relating to the statute of 1821, chapter 62, section 6. In 1825 another statute was held unconstitutional in the case of Lewis v. Webb, 3 Greenleaf, 326.

Commonwealth v. Caton, 4 Call (Va.), 5, was decided by the Court of Appeals of Virginia in November, 1782. With the possible exception of the New Jersey case of Holmes v. Walton, this case of Caton seems to be the first case in which the constitutional validity of a statute was questioned by the judges. The case involved the treason law of 1776, under which Caton and Hopkins and Lamb had been convicted of treason. The House of Delegates on June 18, 1782, granted them a pardon by a resolution, and sent it to the Senate for concurrence; but the Senate refused to concur. The prisoners pleaded this pardon in defence, and the question was, had the House of Delegates, without the concurrence of the Senate, the power to grant a pardon. The Court of Appeals, which upon this occasion consisted of Pendleton, Wythe and Blair, judges of the High Court of Chancery; Carrington, Dandridge, Lyons and Mercer, judges of the General Court; and Cary, one of the judges of the Court of Admiralty, held unanimously that the House of Delegates alone had no such power, and that the pardon was invalid. The court also held that the treason law of 1776, which took from the executive the power of pardoning in cases of treason and conferred it upon the General Assembly, was constitutional. No statute was held unconstitutional.

Section 38. Early Cases and Opinions outside of New England.

Virginia.

The only opinions which are reported are those of President Pendleton and Judge Wythe, though the learned reporter states on page 20 that "Chancellor Blair and the rest of the judges were of the opinion that the Court had

[1] The chief sources of information upon Trevett v. Weeden are a pamphlet by James W. Varnum, entitled "The Case of Trevett v. Weeden" (Providence, 1787);
Judicial History of Rhode Island, by Thomas Durfee in 4 New England States, pp. 2382-2386; McMaster's History of People of U. S., vol. 1, pp. 337-339; Arnold's Hist. R. I., vol. II, ch. 41; 10 R. I. Colonial Records, pp. 219, 220; 2 Chandler's Crim. Trials, 269.

power to declare any resolution or act of the legislature or of either branch of it, to be unconstitutional and void"; and in a note written many years after the decision, probably in 1827, the reporter states; "It is said that this is the first case in the United States where the question relative to the nullity of an unconstitutional law was ever discussed before a judicial tribunal; and the firmness of the judges (particularly of Mr. Wythe) was highly honorable to them, and will always be applauded, as having incidentally fixed a precedent, whereon a general practice, which the people of this country think essential to their rights and liberty, has been established." Pages 20, 21.

Judge Wythe, after stating that in his opinion the court had the power to decide that the House of Delegates had no authority, without the concurrence of the Senate, to grant this pardon, adds on page 8: "Nay more, if the whole legislature, an event to be deprecated, should attempt to overlap the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet the united powers at my seat in this tribunal, and pointing to the constitution, will say to them, here is the limit of your authority; and hither shall you go, but no further."

President Pendleton, however, expressed grave doubts upon the question. He agreed that the Constitution "must be considered as a rule obligatory upon every department," upon the legislative as well as upon the executive and judicial departments, and then remarks: "But how far this Court, in which the judiciary powers may in some sort be said to be concentrated, shall have power to declare the nullity of a law passed in its forms by the legislative power, without exercising the power of that branch, contrary to the plain terms of that Constitution [which expressly declared that each department should be kept separate and distinct from the others], is indeed a deep, important and I will add a tremendous question, the decision of which might involve consequences to which gentlemen may not have extended their ideas." Page 17.

In 1793 the General Court of Virginia, for the first time in the judicial history of the State, declared a statute unconstitutional, in the case of Kamper v. Hawkins, 1 Va. Cases, 60.

North Carolina.

Bayard v. Singleton, 1 Martin (N. C.), 48, was twice argued before the Superior Court of North Carolina, at the May term of 1786 and at the May term of 1787, and was finally decided at the November term of 1787, by Judges Ashe, Spencer and Williams. It was an action of ejectment to recover land in the town of Newbern, North Carolina, and involved the validity of the statute of 1785 of North Carolina, relating to confiscated property. This statute provided that all suits brought by persons whose property had been confiscated by the State, should be dismissed by the court, if the defendant filed an affidavit that he held the property in dispute under a sale from a commissioner of forfeited estates. The defendant in this case filed an affidavit to this effect, and moved the court to dismiss the action. The court held this motion under consideration for about a year, and at the May term of 1787, "the Court recommended to the parties to consent to a fair decision of the property in question by a jury, according to the common law of the land, and pointed out to the defendant the uncertainty that would always attend his title, if this case should be dismissed without a trial." (Report, p. 44 of the second edition

of Wm. H. Battle, 1843.) The defendant, however, insisted upon his motion to dismiss, and the Court with "great reluctance" overruled his motion, and ordered the action to stand for trial by a jury. The Court held that the statute was unconstitutional for the reason that it did not allow the citizen a trial by jury, or in fact any trial, and stated that "if the legislature could take away this right and require him to stand condemned in his property without a trial, it might with as much authority require his life to be taken away without a trial by jury, and that he should stand condemned to die, without the formality of any trial at all." (Page 45 of second edition, 1843.) The case was subsequently tried by a jury, who found a verdict for the defendant, upon which twenty-seven other similar cases were voluntarily nonsuited by the plaintiffs.

Holmes v. Walton in the Supreme Court of New Jersey, was decided at an early date, apparently in September, 1780, as President Scott of Rutgers College maintains.[1] It related to the "seizure laws," and the legislature had enacted that the trial for such offences should be by a jury of six men, instead of twelve. "Upon solemn argument," as Judge Kirkpatrick informs us in State v. Parkhurst, 4 Halst (N. J.), 427, 444, the act "was adjudged to be unconstitutional, and in that case inoperative. And upon this decision the act, or at least that part of it which relates to the six men jury, was repealed, and a constitutional jury of twelve men substituted in its place." The judges who sat in this case were Chief Justice Brearley and Justices Smith and Symmes.

New Jersey.

Taylor v. Reading, cited by Judge Kirkpatrick in State v. Parkhurst, 4 Halst (N. J.), 427 at 444, was decided in 1795 or 1796 by the Court of Errors of New Jersey. In this case, a New Jersey statute passed in March, 1795, providing that certain payments in continental money should be credited as specie, was held to be an *ex post facto* law and unconstitutional, and was therefore disregarded by the court in deciding the case against Reading.

In January, 1797, the legislature, however, passed an act for the relief of Reading in another way.[2]

Bowman v. Middleton, 1 Bay (S. C.), 252, was decided by Judges Grimke and Bay in the Court of Common Pleas at the May term, 1792. The case involved, or was supposed to involve, the validity of an act of assembly passed in 1712, which confirmed the title of certain persons to certain land which, it was claimed, had been previously granted to other persons. There were other points in the case which do not appear in the report; but upon this point the court held that the act of 1712 was void, "as it was against common right, as well as magna charta, to take away the freehold of one man and vest it in another, and that too, to the prejudice of third persons, without any compensation, or even a trial by the jury of the country, to determine the rights in question." Page 254.

South Carolina.

In Hays v. Harley, 1 Const. Rep. (S. C.), 267, it was decided by the Constitutional Court of South Carolina in 1817 that the statute of 1812 limiting the term of office of Ordinaries or Judges of Probate, to four years was unconstitutional, because the Constitution provides that judges shall hold their offices during good behavior, and can be removed only by impeachment.

Alexander Hamilton was among the first to state the doctrine in clear and forcible terms, and very little has since been added to the

[1] Am. Hist. Assoc. Papers, II, 46 (1886).

[2] State v. Parkhurst, 4 Halst (N. J.), 427, 444.

strength of his argument. In No. 78 of the Federalist, first published on May 28, 1788,

Hamilton's Opinion.

Hamilton says: "Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American Constitutions, a brief discussion of the ground on which it rests cannot be unacceptable.

"There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

"If it be said that the legislative body are themselves the constitutional judges of their own powers and that the construction they put upon them is conclusive upon the other departments, it may be answered that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the Representatives of the People to substitute their will to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the People and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or in other words, the Constitution ought to be preferred to the statute; the intention of the People to the intention of their agents.

"Nor does this conclusion by any means suppose a superiority of the Judicial to the Legislative power. It only supposes that the power of the People is superior to both; and that when the will of the Legislature, declared in its statutes, stands in opposition to that of the People, declared in the Constitution, the judges ought to be governed by the latter rather than by the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental."

In Calder v. Bull, 3 Dallas, 386, decided in 1798, the judges of the Supreme Court assumed that they possessed the power to disregard a State statute when repugnant to the Federal Constitution, but held that the law of Connecticut involved in that case was not repugnant to that Constitution, and therefore affirmed the State judgment. The highest Court of Connecticut having held that the statute in question did not contravene the State Constitution, the Supreme Court of the United States was of the opinion that it

United States Supreme Court.

was bound to follow this construction of the State Constitution by the State Court.

In 1803 it was decided for the first time by the Supreme Court that an Act of Congress might be disregarded by the courts, on the ground that it was repugnant to the Constitution of the United States. Chief Justice Marshall who delivered the judgment of the Court upon this question in the case of Marbury v. Madison, 1 Cranch, 137, discussed this power of the judiciary in an opinion which has received the highest commendation, and is generally recognized as settling the doctrine beyond further controversy. Although the chief justice adduced no new arguments in support of this power, he restated them in such clear, concise and forcible terms as to carry conviction. The point decided was that Congress had not the power to confer any original jurisdiction upon the Supreme Court, as such jurisdiction was prescribed and limited by the Constitution, and that the thirteenth section of the judiciary act of 1789, purporting to authorize the Court to issue writs of mandamus, was therefore inoperative and void.

In Cooper v. Telfair, 4 Dallas, 14, decided by the Supreme Court of the United States in 1800, Mr. Justice Chase said on page 19: "Although it is alleged that all acts of the legislature, in direct opposition to the prohibitions of the Constitution, would be void, yet *it still remains a question where the power resides to declare it void.*" In this case it was decided that the Georgia statute of 1782, which banished the plaintiff and others and confiscated their property for high treason, was not repugnant to the Constitution of Georgia.

Perhaps the strongest argument against the power of the courts to disregard unconstitutional statutes is that this power more properly rests with the People in their sovereign capacity, who can repeal the unconstitutional statute by electing new representatives to the legislature. This argument is well expressed by Judge Gibson in his dissenting opinion in Eakin v. Raub, 12 Sar. & R. (Pa.), 330 at 355. There are, however, several answers to this argument. (1st) Even when the Constitution does not contain an express grant of the power to the judiciary, a repeal of the statute would not afford adequate relief, because of the lapse of time which must occur before the repeal can be effected. (2d) There are many constitutional rights which cannot be discussed or decided in elections to the legislature.[1] (3d) An unconstitutional law of one State may injuriously affect the rights of citizens of other States, who cannot vote at the elections in the former State. If, therefore, the law be approved by the voters of the former State, the citizens of the latter could not obtain redress through the legislature. (4th) The preceding reason (3d), applies not only to violations of the State Constitutions, but with especial force to State statutes in violation of the Federal Constitution. For instance, if a State law impairs the obligation of a contract held by a non-resident of the State, in contravention of the Federal Constitution, the non-resident, not being a voter in such State, has no means of redress, except through the courts, so long as the voters of that State favor the law. (5th) There are some laws which are unconstitutional as applied to crimes committed or contracts made, before the passage of the statute, but are not unconstitutional as applied to subsequent crimes or contracts. Thus a State law

Judge Gibson's Opinion.

[1] Whittington v. Polk, 1 Harris & Johns (Md.), 236,243; Charlton's (Ga.) Reports, 176; Eakin v. Raub, 12 Sar. & R. (Pa.). 330, 380.

may be unconstitutional as an *ex post facto* law as applied to anterior crimes, and yet valid as applied to posterior crimes. So, likewise the same statute may be unconstitutional as impairing the obligation of contracts as applied to prior contracts, and yet be valid as applied to subsequent contracts. In such cases, it is obvious that a repeal of the statute, or even a legislative limitation of it to subsequent crimes or contracts, would have to come very quickly in order to preserve the constitutional rights of the citizen. Again, the statute might be beneficial as to the future and require no repeal. (6th) A State statute may be unconstitutional as depriving a person of his liberty or property "without due process of law" as applied to contracts made in other States, but may be valid as applied to contracts made in the State passing such statute.[1]

Gouverneur Morris's View.

In a letter to the legislature of Pennsylvania, Gouverneur Morris wrote in 1785: "In New Jersey the judges pronounced a law unconstitutional and void. Surely no good citizen can wish to see this point decided in the tribunals of Pennsylvania. Such power in judges is dangerous, but unless it somewhere exists, the time employed in framing a bill of rights and form of government was merely thrown away." [2]

III. CAUSES WHICH LED TO THE GENERAL ADOPTION OF THIS POWER.

Section 39. Four Principal Causes.

The chief causes which led to the general adoption of the view that the courts should possess the power to disregard unconstitutional statutes seem to be (1st) the necessity felt at the time of the adoption of the Constitution of the United States of conferring upon some tribunal the power to settle in a peaceful manner cases involving conflicts between the States on the one hand and the United States on the other hand; (2d) the establishment of the judiciary as an independent and co-ordinate department of the government, especially the Federal judiciary independent of the States; (3d) the need of giving some tribunal the power to protect the fundamental rights of the individual guaranteed by the Constitution; and (4th) the spread of the idea or belief that a constitution is a higher law than a statute.

That the exigencies of our dual form of government was one of the principal causes for the extention of this doctrine seems clear.

By the Constitution of the United States the powers of sovereignty were apportioned between the States and the United States. Certain powers of legislation were expressly conferred upon Congress and expressly denied to the State legislatures. Congress, for instance, was given power to coin money and to regulate interstate and foreign commerce, while the State legislatures were prohibited from issuing bills of credit, and from passing any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. If the States committed any of these prohibited acts, how was the authority of Congress to be enforced or the constitutional right of the individual to be protected? Should the general government be given a direct negative or veto upon State legislation? This question was much discussed in the Constitutional Convention of 1787, and it was finally decided that the courts, especially the Federal Courts, were the best tribunals to settle these delicate ques-

[1] Allgeyer v. Louisiana, 165 U. S. 578; Hooper v. California, 155 U. S. 648.

[2] Sparks's Life of Morris, Vol. III, p. 47.

tions as they arose; to preserve the constitutional distribution of sovereign powers between the States and the United States, and to protect the constitutional rights of the individual.

Alexander Hamilton was a member of the Constitutional Convention of 1787, and in Number 80 of the Federalist, published in 1788, he says upon this subject;

"There ought always to be a constitutional method of giving efficacy to constitutional provisions. What for instance would avail restrictions on the authority of the State legislatures, without some constitutional mode of enforcing the observance of them? The States by the plan of the Constitution are prohibited from doing a variety of things; some of which are incompatible with the interests of the Union, and others with the principles of good government. The imposition of duties on imported articles, and the emission of paper money, are specimens of each kind. No man of sense will believe that such prohibitions would be scrupulously regarded, without some effectual power in the government to restrain or correct the infraction of them. This power must either be a direct negative on the State laws, or an authority in the Federal Courts to overrule such as might be in manifest contravention of the Articles of Union. There is no third course that I can imagine. The latter appears to have been thought by the Convention preferable to the former, and, I presume, will be most agreeable to the States."

Marshall declared in the Virginia Convention of 1788 that "If they [Congress] were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void."[1] In 1803, as chief justice of the United States, Marshall held an Act of Congress unconstitutional which attemped to confer jurisdiction upon the Supreme Court, and refused to take jurisdiction under the Act, in the leading case of Marbury v. Madison, 1 Cranch, 137.

Patrick Henry also expresses the opinion that the courts possessed this power under the Federal Constitution.[2]

Prior to the adoption of the Constitution of the United States there was no Constitution which in clear terms conferred upon the judicial department the power to disregard acts of of the legislative department. The Articles of Confederation contained no such provision; and the State Constitutions were equally lacking in this particular. The second clause of the sixth article of the United States Constitution, however, declares that "This Constitution . . . shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the laws or constitution of any State to the contrary notwithstanding." The phraseology of this clause, as well as the debates in the Federal Convention and in the State Conventions, and the articles in the Federalist show clearly that the intention was to authorize the Courts to disregard State laws when they were contrary to the Federal Constitution. The chief object was to restrict the legislative power of the States.[3] Instead of giving the Federal government a direct negative or veto upon State legislation, as was proposed in the Federal Convention, a Federal Supreme Court was established with power to refuse to enforce a State law when in the Court's opinion it was contrary to the Fed-

[1] 3 Elliot's Debates (2d ed. 1836), p. 553.
[2] 3 Elliot's Debates (2d ed.), p. 325.
[3] Calder v. Bull, 3 Dallas, 386.

eral Constitution. In this way the danger of conflicts of jurisdiction between the general government and the State governments was greatly lessened. A proposed State law was not assailed or questioned by the general government before its passage, when local feeling might be strong and the State legislature in session. Its validity might not be denied in a judicial proceeding until years after its passage, and if the statute were declared unconstitutional, it would not seem to be an attack upon the State legislature, but a vindication of the constitutional rights of an individual suitor then in court

This clause was an express grant of power to the judges of the State Courts, as well as of the Federal Courts, to disregard State statutes when in conflict with the Federal Constitution. It was upon this clause that Judge Gibson, afterwards chief justice of Pennsylvania, based his opinion in 1825 that the judiciary was not bound to enforce a statute which the Court considered contrary to the Federal Constitution,[1] because that instrument contained an express grant of power to the Courts to disregard unconstitutional laws. With respect to the State Constitutions, however, which contained no such express grant of power, Judge Gibson held that the Courts were bound to give effect to a statute, though they considered it unconstitutional; and that the remedy rested with the people "to correct abuses in legislation, by instructing their representatives to repeal the obnoxious act."[2] Twenty years later, however, in 1845, in view of the fact that the Pennsylvania Constitution of 1838 was silent upon the question of the exercise of this power by the Courts, and had thereby "sanctioned the pretensions of the Courts to deal freely with the acts of the legislature, and from experience of the necessity of the case," Judge Gibson modified his former view of 1825, and agreed that the courts had the power to disregard the statutes which were contrary to the State Constitution, as well as those contrary to the Federal Constitution.[3]

[1] Eakin v. Raub, 12 S. & R. (Pa.), 330 at 356, 357, per Gibson, J., dissenting (1825).

[2] Eakin v. Raub, 12 S. & R. (Pa.) 330 at 355. per Gibson, J., dissenting (1825). Judge Gibson's opinion in this case contains a very able discussion of this question, extracts from which are here reproduced.

"It seems to me there is a plain difference, heretofore unnoticed, between acts that are repugnant to the Constitution of the particular State and acts that are repugnant to the Constitution of the United States; my opinion being that the judiciary is bound to execute the former, but not the latter. . . . I am aware, that a right to declare all unconstitutional acts void, without distinction as to either Constitution, is generally held as a professional dogma; but, I apprehend, rather as a matter of faith than of reason." P. 345.

Power rests with the people, not with the Courts, "to correct abuses in legislation, by instructing their representatives to repeal the obnoxious act." P. 355.

"But in regard to an act of assembly, which is found to be in collision with the Constitution, laws, or treaties of the United States, I take the duty of the judiciary to be exactly the reverse. By becoming parties to the Federal Constitution, the States have agreed to several limitations of their individual sovereignty, to enforce which, it was thought absolutely necessary to prevent them from giving effect to laws in violation of those limitations, through the instrumentality of their own judges. Accordingly, it is declared in the fifth article and second section of the Federal Constitution, that 'This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the *supreme* law of the land, and the *judges* in every State shall be bound thereby; anything in the laws or Constitution of any State to the contrary notwithstanding.'

"This is an express grant of a political power, and it is conclusive to show that no law of inferior obligation, as every State law must necessarily be, can be executed at the expense of the Constitution, laws or treaties of the United States." P. 356.

"This, therefore, is an express grant of the power, and would be sufficient for the purposes of the argument; but it is not all." P. 357.

[3] Morris v. Clymer, 2 Pa. St., 281 (1845).

Section 40. Same Subject Continued.

It was not until after the Constitutional Convention of 1787 that it was generally recognized that the only effectual means of protecting the rights of the individual from unconstitutional legislation was by allowing the Courts to disregard such legislation in passing upon the rights of litigants. The debates in the Federal Convention of 1787 and the arguments of Alexander Hamilton, Madison and others in the Federalist in 1787 and 1788, and of Marshall and Patrick Henry in the Virginia Convention, tended strongly to establish the belief in the minds of the people that this power should be exercised by the Courts, and that the legislature should not be the final judge of the constitutional rights of the private citizen. As Hamilton stated in No. 80 of the Federalist, one object in establishing Federal Courts was to create a tribunal with power to overrule such State laws as might be in manifest contravention of the Constitution.

When the power of the Courts to disregard statutes which were repugnant to the Constitution of the United States was generally recognized, it became an easy step in the progress of the doctrine for the Courts to exercise a like power with respect to State statutes which were repugnant to the State Constitution. The mere acquiescence of the people in the exercise of the power in the former case was a strong argument in favor of the existence of the power in the latter case. In the meantime, too, many of the States had accepted the doctrine of the supremacy of the Constitution, and had established an independent judiciary as a co-ordinate department of the government, and had expressly prohibited the legislature from exercising judicial functions.

These views are also supported by the opinion of Judge Daniel Chipman of Vermont. In the Preface to the first volume of his Vermont Reports written in the year 1824, after mentioning some legislative encroachments upon the power of the judiciary, among which were the setting aside of judgments rendered by the courts, Judge Chipman states on page 24: "This was in the year 1786 before the adoption of the Constitution of the United States, and *before it was ascertained* that in a Republican Government, to secure the people in the full enjoyment of their civil rights it is indispensable that the power of the legislature be limited, and that practically they cannot be limited but by an independent judiciary, without which, declarations of rights and limitations of power become a dead letter." On pages 25, 26 and 27 of this Preface, Judge Chipman adds: "And long after the period to which we have alluded, the doctrine that the Constitution is the supreme law of the land, and that the judiciary have authority to set aside and pronounce void all acts of the legislature repugnant thereto was considered anti-republican. If it be so, it is because it maintains the authority of the master over the servant and the authority of the people over the legislature. It has become a self-evident proposition that the people have a right to establish such form of government as they please; yet it will be but a mere form, unless the power of the legislature be limited; and no other method has been devised, and probably none other can be devised, to render such limitation effectual than that of establishing an independent judiciary. Experience has shown that the representatives of the people in the legislature, with unlimited powers, form a body dangerous to the liberties of the people. . . . But the increasing light of science and experience, since the Constitution of the United States was adopted,

have rendered the principle familiar that a constitution of government established by the people, is the supreme law of the land."

It is true that prior to the Constitutional Convention of 1787 two or three State Courts had exercised this power in very extreme cases; but the prevailing view prior to 1787 was contrary to the existence of this power in the judiciary, and nearly every exercise of the power met with strong opposition, or vigorous protest. (See Sections 37, 38).

In Trevett v. Weeden, decided by the Superior Court of Rhode Island in September, 1786, it was held that a statute which made no provision for trial by jury of a *qui tam* action to recover a penalty for refusal to accept paper money in payment of goods sold, was contrary to the Charter of 1663, which was then serving as the Constitution of the State. Shortly afterwards, the judges who had taken part in this decision were summoned to appear before the legislature to explain their conduct, and narrowly escaped impeachment; at the following annual election by the legislature, all the judges failed of re-election, except the chief justice, and he had not expressed any opinion upon the constitutionality of the statute, but had merely announced the judgment of the court, dismissing the action.

In Rutgers v. Waddington, decided by the Mayor's Court of New York in 1784, it was held that a statute of New York which provided that military orders from British authorities for the occupation of houses during the Revolution should be no defence to an action by the owner against the occupant, was contrary to the treaty of peace between Great Britain and the United States. But Alexander Hamilton, who was counsel for the successful British subject who was defendant in this action, stated subsequently that the action was compromised under his advice, for the reason that the general opinion of the bar was that the Supreme Court was of the contrary opinion, and that he feared a reversal of the judgment of the Mayor's Court.[1] The Whigs of the State called a public meeting to protest against this decision of the Mayor's Court, and issued a stirring address to the people of the State, in which they declared that "such powers in courts would be destructive of liberty, and remove all security of property,"[2] and that a perseverance in such an obnoxious principle would leave nothing to the legislature but a name, and make a legislative session nothing but an expense.[3]

As late as 1807 and 1808 Judges Tod and Pease of the Supreme Court of Ohio were impeached by the Ohio legislature for holding a statute unconstitutional, but after a trial lasting several days, were acquitted.[4]

Notwithstanding the few early cases to the contrary, it seems safe to affirm that this power in the judiciary would not have been generally adopted in America if the people had not formed a National government and united under the Constitution of the United States, which created a Federal judiciary independent of the States with power to disregard State statutes when repugnant to the Constitution.

Professor James B. Thayer, of the Harvard Law School, attributes our adoption of this doctrine largely to our political experience before the Revolution—as being Colonists governed

[1] 7 Works of Hamilton, pp. 197–199, by J C. Hamilton; 5 ibid, 116.

[2] Dawson's edition of Rutgers v. Waddington, Historical Introduction, p. 33 (1866).

[3] McMaster's Hist. People U. S., Vol. I, pp. 219, 220; New York Packet (Newspaper), Nov. 4, 1784.

[4] Cooley's Const. Lim. (4th ed.), ch VII, p. 196, note; 1 Chase's Statutes Ohio, Preface, pp. 38–40. Western Law Monthly, vol. V, p. 3, June, 1863, and August number of same, 1863.

under written charters of government proceeding from the British Crown. He adds: "The terms and limitations of these charters, so many written Constitutions, were enforced by various means—by forfeiture of the charter, by Act of Parliament, by the direct annulling of legislation by the Crown, by judicial proceedings and an ultimate appeal to the Privy Council." [1] On the other hand, Judge Simeon E. Baldwin of Connecticut states that before the Revolution "English precedents had made our ancestors familiar with the omnipotence of Parliament, and some of our Colonial assemblies were deemed to have powers hardly less great, so long as they did not contravene the laws of the mother country or the allegiance due to the British Crown." [2]

IV. LIMITATIONS OF THIS POWER.

Section 41. Political Questions.

It is a well established qualification of the power of the judiciary to disregard unconstitutional legislation, that when the question involved is political in its nature, the courts are bound by the action of the political department of the government, and must recognize and enforce the law, notwithstanding they consider it repugnant to the Constitution. This rule depends upon the essential nature of the judiciary, and is necessary to preserve the independence of the co-ordinate departments of government. The contrary rule would lead to the absorption of all power by the Courts, and the extinction or degradation of the executive and legislative branches. Among the first to renounce or disclaim political power by the judiciary was Chief Justice Marshall. In 1805 in delivering the Court's opinion in Marbury v. Madison, 1 Cranch, 137 at 170, he said:

"The province of the Court is, solely, to decide on the rights of individuals, not to inquire how the executive, or executive officers, perform duties in which they have a discretion. Questions in their nature political, or which are, by the Constitution and laws, submitted to the executive, can never be made in this Court." Again on page 167: "The power of nominating to the Senate, and the power of appointing the person nominated, are political powers, to be exercised by the president according to his own discretion." The question, whether or not a proposed law shall be passed by the legislature, or signed by the executive, is a political question, and therefore the Courts cannot enjoin Congress or the State legislature from passing a statute, nor restrain the president or governor from signing it, even if it be unconstitutional. The legislature and the executive have the right to decide these questions in the first instance on their own responsibility, untrammeled by the opinion of the Courts. They are responsible only to the people for any abuse of authority in these respects. It is true that in Massachusetts, New Hampshire, Maine, Rhode Island and a few other States, the governor and legislature may, if they choose, obtain advice from the judges of the highest State Court in the form of an opinion upon political or quasi political questions; but such opinions are not binding or conclusive as a judgment either upon the Court or upon the other departments.[3]

[1] "The Origin and Scope of the American Doctrine of Constitutional Law," a Paper read at Chicago, August 9, 1893, by James B. Thayer.

[2] "The Three Constitutions of Connecticut," in Papers of New Haven Colony Historical Society, vol. V, p. 202 (1891).

[3] Commonwealth v. Green, 12 Allen (Mass.), 155; 126 Mass. 566;
Taylor v. Place, 4 R. I. 362; 60 N. H. 585;
Thayer's "Memorandum on Advisory Opinions" (1885);
"Duty of Judges as Const. Advisers," 24 Am. Law Rev., 369, by H. A. Dubuque.

A judgment, even by the Supreme Court, is, of course, not binding upon the people in their sovereign capacity. If the Court declares a statute unconstitutional, the people may change the Constitution and render the statute constitutional. After the Dred Scott decision in 1857 holding the Act of Congress for the regulation of the Northwestern territory unconstitutional, the people of the United States adopted the fourteenth Amendment to the Constitution, and thereby overruled the decision of the Supreme Court and rendered the act constitutional.[1]

Neither the executive nor the legislative department is bound to accept the decision of the judiciary upon the constitutionality of a proposed law. The fact that the court has previously decided the question under a similar statute is not conclusive upon the other branches of the government. Although the Supreme Court had held the charter of the Bank of the United States granted by Congress to be constitutional,[2] this did not prevent President Jackson from vetoing the bill to renew the charter, for the reason that in his opinion it was unconstitutional. The veto power is vested in the president by the Constitution, and is the exercise of a political power, which the courts cannot control. Nor can the president be enjoined from enforcing a statute on the ground that it is unconstitutional. In the case of Mississippi v. Johnson, 4 Wallace, 485, an attempt was made to restrain President Johnson from carrying into effect the terms of the "Reconstruction Act," but the Supreme Court held that this was a political question, over which it had no control. In Georgia v. Stanton, 6 Wallace, 50, a like attempt was made against Secretary Stanton, General Grant and others, and was decided in the same way. Rhode Island v. Massachusetts, 12 Peters, 669, is sometimes supposed to support a contrary view; but the principal question in that case was that of territorial boundary between the two States, and the political question was merely subsidiary.

Luther v. Borden, 7 Howard (U. S.), 1, involved or grew out of an exciting episode in the history of Rhode Island. This was an action of trespass for breaking into the plaintiff's dwelling house. The defence was that the plaintiff was aiding and abetting an insurrection against the authority of the "Charter" government of the State, and that the defendants were officers of the "Charter" government, with authority to arrest the plaintiff. The plaintiff alleged that the "Charter" government which had been established under the Charter of Charles II in 1663, had been superseded by the "People's" government, established by a majority of the people of Rhode Island in 1841–2. Thomas W. Dorr had been elected governor under the "People's" Constitution, but his effort to assume office was resisted by the officers of the Charter government, and he afterwards left the State without succeeding in his effort to establish his claim to the office, and was finally tried for treason. In deciding the case of Luther v. Borden the Supreme Court held that the question as to which government was the lawful government of the State, was not a judicial question, but was a political question, upon which the Court was bound by the decision of the political authorities.

In Worcester v. Georgia, 6 Peters, 515, the Court came perilously near to rendering a judgment upon a political question, if it did not actually do so. The result was that Presi-

[1] Scott v. Sandford, 19 Howard, 393.

[2] McCullock v. Maryland, 4 Wheaton, 316.

dent Jackson refused to assist the Court in enforcing the judgment against the State of Georgia, and Worcester was released from imprisonment by Georgia only upon terms dictated by the State, and contrary to the judgment of the Court that he should be set free at once and unconditionally.[1]

In holding that Congress had no power to prohibit slavery in certain Territories created out of the Northwestern territory, the court seems to have overstepped the province of the judiciary, and invaded that of the political department.[2] President Lincoln refused to recognize this decision as binding upon him before its overthrow by the Fourteenth Amendment.

Other authorities relating to the power of the courts to decide political questions are Morris v. Bulkeley, 61 Conn., 287 (1892); Opinions of the Justices, 55 N. H., 574 (1875), and 60 N. H. 585 (1881); Boyd v. Thayer, 143 U. S. 135 (1892).

Section 42. Public Policy. Expediency or Wisdom of Law.

It has been asserted that the courts can disregard a statute upon the ground that it is contrary to public policy, and that a statute repugnant to public policy is void. This view, however, has very few supporters, and the great weight of authority affirms the sound doctrine that the legislature and not the court is the proper body to determine all questions of public policy, and to decide the expediency or wisdom of any proposed law: that the legislature's decision upon this question is conclusive upon the judiciary, and that the Courts cannot disregard or pronounce unconstitutional any statute because in their opinion it is contrary to public policy.[3]

This question arose at an early date in the judicial history of Massachusetts as a State. On February 6, 1811, the House of Representatives requested the opinion of the justices of the Supreme Judicial Court upon three constitutional questions relating to ratable polls of aliens. These questions were answered by Chief Justice Parsons and by Justices Sewall and Parker on February 15, 1811, and in the course of their opinion the justices used this language:

"For although it is not to be presumed that a legislature will violate principles of public policy, yet an intention of the legislature repugnant to those principles, clearly, manifestly and constitutionally expressed, must have the force of law."[4]

In 1819 Chief Justice Marshall in delivering the opinion of the Supreme Court of the United States thus expressed his view that the courts have no such power: "But where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the government, to undertake here to inquire into the degree of its necessity, would be to pass the line which circumscribes the judicial department, and to tread on legislative ground. This Court disclaims all pretensions to such a power."[5]

In the License Tax Cases, 5 Wallace, 462 at 468, Chief Justice Chase in delivering the judgment of the Supreme Court said: "This Court can know nothing of public policy except from

[1] Bryce, American Commonwealth, vol. I, p. 262; Kennedy's Life of Wirt, vol. II, chs. XV and XVI; Greeley, American Conflict, 106; Von Holst, Const. Hist., 1750, 1832, 458.

[2] Scott v. Sandford, 19 Howard, 393.

[3] Cooley's Const. Lim. (4th ed.), ch. VII; and cases cited; Commonwealth v. McCloskey, 2 Rawle (Pa.), 369, 374; Bennett v. Boggs, Baldwin (U. S. Cir. Ct.), 60; Hills v. Chicago, 60 Ill., 86.

[4] Opinion of the Justices, 7 Mass., 523 at 524-525.

[5] McCullock v. Maryland, 4 Wheaton, 316 at 423.

the Constitution and the laws, and the course of administration and decision. It has no legislative powers. It cannot amend or modify any legislative acts. It cannot examine questions as expedient or inexpedient, as politic or impolitic. Considerations of that sort must in general be addressed to the legislature. Questions of policy determined there are concluded here." [1]

V. EXTENT AND EFFECT OF THIS POWER.

Section 43.

The seed of this judicial power, planted scarcely more than a century ago, has developed into a mighty legal tree, firmly rooted in American jurisprudence, and extending its protecting arms over a vast population and an immense territory.

Upon the whole, this power has been wisely employed by the Courts, and has proved beneficial to the people. Its exercise has helped to make this a "government of laws and not of men," and has contributed to the stability of our republican institutions. It has acted as a great restraining force upon unjust legislation. It has assisted in solving many of the problems of state which have confronted the American people. It has aided in preserving the boundary line between the powers of the Federal and State governments, and has protected the rights of the individual from injurious legislation.

Hon. Charles Andrews, lately chief judge of the New York Court of Appeals, says in connection with the decision of the United States Supreme Court in Marbury v. Madison, 1 Cranch, 137, holding an Act of Congress unconstitutional, that: "It was a startling assertion of judicial power. In its possible scope it subjected every act of Congress to the scrutiny of the Court, and to its practical annullment whenever invoked by a party to a judicial proceeding, and relied upon to sustain a claim or defence. It is scarcely too much to say that if the court had faltered here the work of the convention would have failed. There would have been no check on unconstitutional legislation. Congress, influenced by the violence of party spirit, or by the sway of passion or prejudice, would in time have usurped the power reserved to the States and overstepped the limitations of the Constitution, and the States denuded of their rightful powers, would have resisted the usurpation, and anarchy would have resulted." [2]

The power may be exerted in a variety of ways and by many different Courts. The State Courts may declare a State statute unconstitutional, either as being repugnant to the State Constitution, or to the United States Constitution. They may also hold an Act of Congress unconstitutional as violating the Federal Constitution;[3] but not on the ground that it violates the State Constitution. The Federal Courts may pronounce a State statute unconstitutional, either as being in contravention of the Federal Constitution, or of the State Constitution; though with respect to construing the State Constitution, the Federal Courts are generally bound to follow the decisions of the highest State Court.[4] They may also declare an Act of Congress unconsti-

[1] That the judiciary has no power to ignore a statute upon any of these grounds is also decided in Whitington v. Polk, 1 Harris & Johns (Md.), 236 at 246 (1802); Mobile v. Yuille, 3 Ala., 137; Sharpless v. Mayor, 21 Pa. St., 147, 159; Hedderick v. State, 101 Ind., 564; Powell v. Pennsylvania, 127 U. S., 678, 685; Trustees of Bishop's Fund v. Rider, 13 Conn., 87, 104; Fletcher v. Peck, 6 Cranch, 87.

[2] 58 Albany Law Journal, p. 9 (1898).

[3] Davidson v. Champlin, 7 Conn., 244; Wetherbee v. Johnson, 14 Mass., 412; United States v. Lathrop, 17 Johns. (N. Y.), 4.

[4] Calder v. Bull, 3 Dallas, 386; Gelpcke v. Dubuque, 1 Wallace, 175.

tutional for the reason that it is contrary to the Federal Constitution;[1] but not for the reason that it is contrary to a State Constitution.

During the half century just passed, this power has developed very rapidly, and has been exerted with increasing frequency. Only twenty statutes of the States and Territories were held unconstitutional by the Supreme Court of the United States during the fifty years form 1790 to 1840, while during a like period from 1840 to 1890, one hundred and fifty-seven statutes of the States and Territories were declared unconstitutional by the same Court.[2]

What is the effect of holding a statute unconstitutional? Does it nullify the statute? Does it operate as a repeal of the statute? Does it render its enforcement improper by the executive? Is the construction placed upon the Constitution by the Supreme Court binding upon the other departments of government?

Some of these questions open a wide field of inquiry, upon which the authorities are conflicting, which can be only briefly mentioned in this place. It is very clear, however, that a statute is not nullified or repealed in the strict sense when it is pronounced unconstitutional by the Courts. This principle follows from the decisions of the Supreme Court upon the legal tender Acts of Congress, passed in 1862 and 1863, making United States notes a legal tender in payment of debts. In the first case, Hepburn v. Griswold, 8 Wallace, 603, decided in 1870, it was held that the legal tender acts were unconstitutional, yet in the second case, Knox v. Lee, 12 Wallace, 457, decided in 1871, it was held that the same acts of Congress were constitutional and enforceable, though there had not been a re-enactment in the meantime by Congress. This point was also decided in the case of Rahrer, Petitioner, 140 U. S., 545, 563–565, relating to the importation of intoxicating liquors into a State in original packages.

A judgment, however, generally has great weight with the legislature and the people, and it not infrequently happens that after a statute has been pronounced unconstitutional by the Courts, the legislature will repeal the statute.[3]

In Massachusetts, after Chief Justice Shaw expressed his opinion that the statute of 1843, reducing judicial salaries, was unconstitutional, it was repealed by the legislature by statute 1844, c. 24. In 1898, the same legislature which enacted the statute of that year relating to the trial of certain crimes in the Municipal Court of Boston, subsequently repealed the statute, because in the meantime the judges of the Municipal Court had held it unconstitutional.

In Rhode Island, the General Assembly of 1786 repealed the statute of August, 1786, after the Superior Court had pronounced it unconstitutional in Trevett v. Weeden, decided in September, 1786.[4]

In New Jersey the statute allowing a trial under the seizure laws to be by a jury of six men was repealed after the Court held it un-

[1] Marbury v. Madison, 1 Cranch, 137.

[2] Address on "Influence of the Bar," by J. H. Benton, jr. (1894), Appendix II, page 41.

Mr. Benton, in this address before the Southern New Hampshire Bar Association, gives the names and dates of all these decisions, and also the names and dates of cases in which Federal statutes were held unconstitutional by the Federal Supreme Court. His table is very valuable and instructive upon the growth of this doctrine.

[3] Relation of the Judiciary to the Constitution, 19 Am. Law Rev., 188, by Wm. M. Meigs.

[4] 2 Chandler's Crim. Trials, 269;
Varnum's Report (Providence, 1787).

constitutional in the case of Holmes v. Walton, decided in 1780.[1]

In Connecticut the General Assembly enacted on December 24, 1862, that citizens of the State absent therefrom in the military service of the United States, could vote for State officers at places outside the territorial limits of the State. By a supplemental statute, the Governor was authorized and directed to request the opinion of the Judges of the Supreme Court upon the constitutionality of the original act, and, in case the judges should answer in the negative, the Governor was to make proclamation of the fact, and thereupon all persons should be released from the duties imposed by the statute. The judges, in an able opinion by Judge Butler, replied that the statute was repugnant to the Constitution of the State, and the Governor proclaimed the fact, before an election had been held. In August, 1864, an amendment to the Constitution was adopted by the people which authorized such legislation during the Civil war then existing.[2]

As to the extent to which the judgments of Courts upon constitutional questions should be considered conclusive upon the executive and legislative departments, see a learned article by Sidney G. Fisher of the Philadelphia bar in 21 American Law Review, 210, published in 1887.

Notwithstanding all that has been said in favor of this power, it now seems advisable to limit its exercise in some mode. Within the past few years the courts have exerted this power too freely and too often, and sometimes against the interests of the plain people. Cases are numerous in which a single judge, sometimes sitting in a State Court and sometimes in a Federal Court, has pronounced a State statute unconstitutional, and has refused to recognize it in deciding the case before him. In other cases, a statute has been declared invalid by only a small majority of the whole court. Some of these decisions have affected large numbers of people, and many of them have been discussed in the public prints and forcibly presented to the public. So frequently has this power been exercised of late years that the people have come to believe that no statute is valid until it has been "tested" in and approved by the Courts. The inevitable result is a loss of public confidence in the legislative department of the government. That the present standing of the legislature is not equal to that of earlier times, seems largely due to the fact that their acts are so often declared unconstitutional by the Courts. If this practice be continued much longer at the present rate, the degradation of the legislature seems certain. Instead of three departments of government with equal and coordinate powers, we shall then have only two —the executive and the judicial—and neither of these can improve conditions by constructive measures, but can merely restrain and negative. The need of the times is constructive legislation to improve the social and material condition of the people. To accomplish this purpose, the legislative department should be restored to its former dignity and importance, and the power of the courts should be limited and curtailed.

Section 44. Conclusion and Suggestions.

It is only when the unconstitutionality of the statute is so clear as to be free from doubt, in the opinion of the judges of the highest court in the State or Nation, that this power

[1] State v. Parkhurst, 4 Halst (N. J.), 427, 444.

[2] Opinion of the Judges, 30 Conn. 591, 573, note; Article XIII of Amendments.

of disregarding the provisions of a statute should be exercised by the judiciary. This was the rule which was recognized and acted upon by the courts in the early days of the doctrine; but in recent years, the courts have ignored and repudiated this rule in practice.

The true rule is not enforced when the will of the legislature is set aside by a court, the members of which stand five to four, or six to three, or seven to two, or even eight to one, on the question of constitutionality. It is only when the highest court is unanimous in opinion against the validity of the statute, that the statute should be disregarded. A change of this nature would restore the legislative department to its rightful position of importance and dignity. Public confidence in the legislature would be revived, and abler men would be elected. Under the circumstances of the case, the requirement of unanimity does not seem unreasonable. When a court refuses to enforce a statute on this ground, it virtually decides that the legislature has exceeded its constitutional powers in passing the statute. The legislature is bound to consider that question before it enacts the measure, and the passage of the statute indicates that the legislature considered that it possessed the constitutional power in question. It is, therefore, an instance of one department determining the constitutional power of another department of the government. The legislature has no means of enforcing a statute, and if the courts will not enforce it, it becomes a dead letter. As we require the unanimous verdict of twelve jurors to decided questions of fact, it seems only proper to require a unanimous opinion of less than twelve judges to decide this question of law. This would certainly not deprive the judicial department of its rightful functions, and would leave it with greater power than it possesses in any other country of the world.

Until the highest Court in the State or Nation shall have decided that a statute is unconstitutional, no other court in the State or Nation should be allowed to determine that question.

CHAPTER V.

THE COURTS AND JUDGES.

Section 45. Early Courts and Judges.

The preceding chapters contain frequent allusions to the different courts established in New England at various periods in its history, and also some account of their powers and jurisdiction and methods of procedure. The "Court of Assistants" was the name generally applied to the highest court in the respective colonies during the seventeenth century. This court consisted of the governor of the colony or plantation for the time being, and a certain number of assistants, elected for a term of one year.

In Plymouth Plantation, the Court of Assistants was composed of the governor and one assistant until 1624, when the number of assist-

ants was increased to five; at which time it probably included Allerton, Standish, Edward Winslow and Fuller. This court possessed not only judicial functions, but also legislative and executive functions, as now understood. In some cases, a right of appeal to the whole adult male population seems to have been allowed. One of the duties of the assistants was to advise the governor upon public affairs—a duty somewhat analogous to that of the Governor's Council at present.[1] Bradford was governor during many years, and generally presided over the court.

In Rhode Island the first Court of Assistants was established in 1639, "for the help and ease of conducting public affairs, and to lay out lands." William Hutchinson was the judge, and the seven assistants were William Balston, John Porter, John ——, William Freeborne, John Wall, Philip Shearman and William Aspinwall.[2]

Under the first charter obtained by Roger Williams, the highest court was known as the Colony or General Court of Trials. It was established in 1647, and was composed of a president and four assistants, chosen annually. Each of the four towns of Providence, Portsmouth, Newport, and Warwick, chose an assistant. This court had jurisdiction of the graver crimes and of the more important civil causes, and also appellate jurisdiction over the town or local courts. This court was in existence until the arrival of the second Charter in 1663. Among those who served as judges during this period were Roger Williams, John Clarke, William Coddington, and Samuel Gorton.[3]

As early as 1643, a Court of Associates was held in Dover and Portsmouth, now within the limits of New Hampshire, but then under the jurisdiction of Massachusetts. It consisted of one or more of the magistrates or assistants, and one or more commissioners appointed by the General Court of Massachusetts, out of the principal gentlemen of each town. Its jurisdiction extended to the value of twenty pounds. About 1647 the towns were granted permission to choose the associates; but they did not always exercise this right, and sometimes requested the General Court to appoint the associates in accordance with the earlier practice. Appeals lay from the Court of Associates to the Board of Assistants until 1670, when appeals were allowed to the County Court of Norfolk, Massachusetts.[4]

During the first century after the settlement of New England, judicial proceedings were characterized by simplicity and devoutness. The Puritan dislike of display was manifest in all the early courts. Prayer was an important feature in opening court. If a minister could be conveniently obtained, he was requested to make the opening prayer; but if not accessible, one of the judges offered prayer, and sometimes delivered a speech of a religious nature from the bench. Judge Sewall informs us in his journal that at the opening of the court on July 27, 1686, William Stoughton, who was then at the head of the colonial courts of Massachusetts, but had been educated for the ministry, prayed "excellently" and made a "notable speech." Under date of May 5, 1713, Judge Sewall's journal states that Dr.

Section 46. Form and Ceremony.

[1] Bradford's Plymouth, 187; Goodwin's Pilgrim Republic, 159.

[2] Arnold's Rhode Island (3d ed.) I, 134, 135; II, 157. The researches of Mr. Arnold have failed to discover the surname of the third assistant, who still remains John ——.

[3] Thomas Durfee in 4 New England States, 2364, 2365; Rhode Island Colonial Records, I, 191, 222.

[4] Belknap's New Hampshire, I, 100, 101.

Cotton Mather made "an excellent dedication prayer in the new court chamber," situated in the new Town House of Boston.[1]

Before the American Revolution, however, considerable pomp and ceremony had arisen in court proceedings. When the judges travelled upon their circuits, the sheriff of the county, accompanied by many gentlemen, met them at the borders of the shire town, and escorted them to their lodgings, with the blowing of trumpets and great parade. The judges were arrayed in robes of scarlet English cloth and wore broad bands and immense wigs.[2]

Court was opened and adjourned with the proclamation beginning Oyer! Oyer! Oyer! This old French law term, after performing valiant service in English-speaking countries for several centuries, was discarded by order of the Supreme Judicial Court of Massachusetts in 1894, and the form of the opening proclamation ordered to be as follows:

"Hear ye! Hear ye! Hear ye! All persons having anything to do before the Honorable the Justices of the Supreme Judicial Court now sitting at . . . . , within and for the County of . . . . , draw near, give your attendance, and you shall be heard.

"God save the Commonwealth of Massachusetts." [3]

Section 47. Jury Trials Before the Whole Court.

Under the Massachusetts charter of William and Mary it was customary for jury trials to take place before the whole bench of judges, and this practice prevailed for many years after the adoption of the Constitution of 1780, especially in criminal trials. The trials at Salem for Witchcraft in 1692, occurred before the full bench of seven judges commissioned by Governor Phips.[4] The Superior Court of Judicature which was created under this charter in 1699, consisted of five judges, all of whom were expected to attend and participate in jury trials in each county, though three judges constituted a quorum. The same arrangement was continued under the Constitution of 1780 until the year 1799. During this period of one hundred years the court was held for all purposes in each county by a full bench, and "all trials were in effect trials at bar, and were conducted in the presence of the full court, and not less than three were competent to preside at a jury trial." [5] In important criminal causes the full court sat with the jury until well into the nineteenth century.[6]

[1] The former Town House was completely destroyed by fire in 1711, by the fire known as the "great fire" until 1760. The New Town House mentioned by Judge Sewall was finished early in the year 1713, and the first court held therein was on April 27, 1713.

[2] Washburn Jud. Hist. Mass., 162–163, 246, 261.

[3] The forms of other proclamations were ordered to be as follows:

Adjournment for the Day.

Hear ye! Hear ye! Hear ye! All persons having anything further to do before the Honorable the Justices of the Supreme Judicial Court now sitting at . . . , within and for the County of . . . , at present, depart, and give your attendance at this place tomorrow morning at . . . o'clock, to which time and place the sitting of this court is now adjourned.

God save the Commonwealth of Massachusetts.

Previous Proclamation.

Hear ye! Hear ye! Hear ye! All persons having anything to do before the Honorable the Justices of the Supreme Judicial Court now sitting at . . . . , within and for the County of . . . , draw near, and give your attendance, for this sitting of the Court is about to be adjourned without day.

Final Proclamation.

Hear ye! Hear ye! Hear ye! All persons having anything to do before the Honorable the Justices of the Supreme Court now sitting at . . . . , within and for the County of . . . . , at present, depart, and give your attendance upon a new summons, as this sitting of the court is now adjourned without day.

God save the Commonwealth of Massachusetts.

[4] Ante, section 11, and authorities cited.

[5] Shaw, C. J., in Sketch of Chief Justice Parker, 9 Pick. 569 (1830).

[6] Thomas, J., in Commonwealth v. Anthes, 5 Gray, 274 (1857).

In the early colonial period the courts did not set aside verdicts. This practice did not arise in England until after the settlement of New England. If the court and the jury disagreed the case could be carried to the General Court for final decision. The statute of Massachusetts of 1672 allowed the judges, if they disapproved of the verdict to send the jury out for further consideration; but if the jury persisted in their verdict, the court was obliged to accept and record it.[1] At the trial of Rebecca Nurse for witchcraft in 1692, the jury at first brought in a verdict of not guilty, but after being sent out to reconsider, they returned a verdict of guilty; upon which judgment was entered, and Rebecca Nurse was hung.[2] Another method of securing a new trial was by attaint.

Section 48. Setting aside verdicts and granting new trials.

Until the American Revolution, the verdict of a jury was considered as well-nigh conclusive, and new trials were very seldom granted. In 1763 the Superior Court of Massachusetts intimated that where the verdict was clearly against the law and the evidence a new trial would be granted; but it held that where there was evidence on both sides, and some evidence in support of the verdict, and the court could not see clearly that the verdict was against the law and the evidence, a new trial would not be granted.[3]

In 1838, Chief Justice Shaw said: "For a long time it was considered doubtful whether a new trial could be granted where there was any evidence on both sides, and it was considered that a new trial could only regularly be granted where the verdict was without evidence, or against the whole evidence. It has, however, been extended to cases where the verdict is clearly against the weight of evidence, although evidence was given on both sides."[4]

It has always been considered essential in New England that the courts should be impartial and disinterested. The judges should not possess any pecuniary interest in the result of cases decided by them, nor should they pay any respect to persons in rendering judgmemt. The principle early assumed the form of a maxim, and it became fundamental that no man could be a judge in his own case. A judgment rendered by a judge who has a pecuniary interest in the suit is not merely voidable, but is absolutely null and void.[5]

Section 49. Impartiality and Disinterestedness.

A like rule applies to justices of the peace;[6] to jurors;[7] and to appraisers of land set off on execution.[8] In 1798, Mr. Justice Chase of the Supreme Court of the United States expressed the opinion that a statute which made a man a judge in his own cause was void;[9] and under our present Constitution a judgment rendered by an interested judge in his own favor would seem to be void as depriving the other party of his property without due process of law. Article 29 of the Massachusetts Declaration of Rights declared: "It is essential to the preservation of the rights of every individual, his life, liberty, property, and char-

[1] Greene v. Baker, Records, 1680, fol. 114.
[2] Ante, section 11, and authorities cited.
[3] Angier v. Jackson, Quincy's Reports, 84.
[4] Miller v. Baker, 20 Pick. 285, 289.
[5] Hall v. Thayer, 105 Mass. 219 (1870);
Spring Valley Water Works v. Schottler, 110 U. S. 347, 364;
London v. Wood, 12 Modern, 669;
Dimes v. Proprietors, 3 H. L. Cases, 759, 793.
[6] Judd v. Tryon, 131 Mass. 345 (1881).
[7] Davis v. Allen, 11 Pick. 466 (1831).
Hesketh v. Braddock, 3 Burr. 1856.
[8] Fox v. Hills, 1 Conn. 295 (1815).
Wolcott v. Ely, 2 Allen, 338 (1861).
McGough v. Wellington, 6 Allen, 505.
[9] Calder v. Bull, 3 Dallas, 386, 388.

acter, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit."

Chief Justice Shaw considered impartiality one of the highest attributes of the judge. In his address delivered before the Bar of Berkshire in 1830 on the life and character of Chief Justice Parker, after remarking upon the political animosities and personal passions which prevailed while Judge Parker was upon the bench, added: "Yet in no instance has any serious imputation of partiality in the exercise of his functions as a judge, been made against him."[1]

Rufus Choate in his great speech delivered on July 14, 1853, in the Massachusetts Constitutional Convention of 1853, upon the tenure of judicial office, thus described his ideal of "the good judge":

"In the first place he should be profoundly learned in all the learning of the law, and he must know how to use that learning. . .

"In the next place, he must be a man, not merely upright, nor merely honest and well intentioned, —this of course,— but a man who will not respect persons in judgment. . . He shall know nothing about the parties, everything about the case. He shall do everything for justice: nothing for himself; nothing for his friend; nothing for his patron; nothing for his sovereign. If on one side is the executive power and the legislature and the people, —the sources of his honors, the givers of his daily bread, and on the other an individual nameless and odious, his eye is to see neither great nor small; attending only to the 'trepidations of the balance.' If a law is passed by a unanimous legislature, clamored for by the general voice of the public, and a cause is before him on it, in which the whole community is on one side and an individual nameless and odious on the other, and he believes it to be against the Constitution, he must so declare it, or there is no judge. . .

"And finally he must possess the perfect confidence of the community, that he bear not the sword in vain. To be honest, to be no respecter of persons, is not yet enough. He must be believed such."[2]

The principle has been extended and applied in many different ways. So long as the General Court of Massachusetts exercised judicial functions by appeal from the ordinary courts of justice, practising attorneys were not eligible. In 1663, a law was passed prohibiting "usual and common attorneys" from sitting in the General Court. John Read, who represented Boston in 1738, seems to have been the first practising lawyer to sit in the legislature of Massachusetts.[3]

In 1650, Massachusetts passed a law prohibiting a judge to vote in any case where either the plaintiff or defendant or other party to the suit was his father, or son, or brother, or uncle, or nephew, or landlord, or tenant; but the judge was permitted to "give reasonable advice in the case."[4]

The passage of this statute of 1650 may have been occasioned by the conduct of Richard Bellingham in 1642. On November 9, 1641, while governor, he married Miss Penelope Pelham; performed the marriage ceremony himself, and refused to publish the intention of marriage, as required by the

[1] 9 Pick. 576.

[2] Addresses and orations of Rufus Choate (Boston 1878); reprinted in 13 Harvard Law Review 1, 5, 6 (1899).

[3] Hutchinson, III, 104 note; Washburn, 51.

[4] Washburn, 41, citing Col. Laws (ed. 1660) p. 91.

statute of 1639. For this offence the grand jury, or "great inquest," indicted him and his case was called for trial in June, 1642, while he was one of the magistrates and entitled to sit as a judge. It was customary under these circumstances for the accused to leave the bench, but Mr. Bellingham refused to do so, unless commanded by the governor, and claimed the right to sit as a judge in his own case. Winthrop was then governor, and although he was greatly scandalized by the proceedings, he seems not to have exerted his authority, and the case was dropped.[1]

Judge Samuel Sewall in charging the grand jury on May 5, 1713, said: "Let not any judge debauch this bench by abiding on it when his own cause comes under trial. May the judges always discern the right, and dispense justice with a most stable, permanent impartiality."[2]

In Stoddard v. Moulthrop, 9 Conn., 502, decided by the Supreme Court of Errors of Connecticut in 1833, it was held that, as the duties of commissioners of insolvent estates were judicial, a brother of one of the creditors of the estate could not act as a commissioner. The statute then in force provided: "That whenever there shall be so near a relationship between any judge or justice of the peace and any party in a civil action, as between father and son by nature or marriage, brother and brother in like manner, uncle and nephew in like manner, landlord and tenant; or whenever any judge or justice may be liable in any manner to contribute out of his estate to the damages, costs or expenses of any action; or whenever he may receive a direct pecuniary benefit by the determination thereof; in all such actions, the said judge or justice shall be disqualified to act as judge or render judgment." In an able opinion by Judge Church it was laid down that the purpose of this and similar statutes was to secure impartiality, and that slight differences in phraseology would be disregarded. "Thus, the statute under consideration requires commissioners to be 'disinterested and judicious persons.' That providing for the appointment of appraisers of the estate of deceased persons, requires 'judicious disinterested freeholders.' That directing the appraisal of land taken on execution provides that the appraisers shall be 'indifferent freeholders.' The law directing the distribution of deceased persons' estates provides for the appointment of 'sufficient freeholders'; while the statute providing for the distribution of estates between adults and minors, directs the appointment 'of some meet person.'" (Page 506). It was held that all these statutes had the same great object in view, and were not to receive conflicting constructions by the court.

In 1856 the Supreme Judicial Court of Maine decided that a justice of the peace, who was also attorney for one of the parties in an action, was disqualified from acting as justice in the taking of a deposition to be used in such action.[3]

A judge who has been attorney or counsel for a party during a preceding stage of the litigation should not sit at the trial on the facts, or at the hearing upon questions of law. A stockholder or employee of a corporation should not serve as judge or juror in a case where the corporation is either plaintiff or defendant.

[1] Savage's Winthrop, II, 51, 52.

[2] The point of Judge Sewall's remark is sharpened by the circumstance that in 1694 an action stood for trial, but was not actually tried at that time, in which Sewall was plaintiff and his associate on the bench, Judge Winthrop, was defendant. Washburn, p. 153.

[3] Cutler v. Maker, 41 Maine, 594.

Section 50. Tenure of Office.

The Massachusetts Charter of 1692 conferred upon the Governor and Council the power of appointing the judges, but their tenure of office was not regulated, and until 1774 the judges were removable at will by the Governor and Council.[1] By the Act of Parliament of 1774, "for the better regulating of the government of Massachusetts Bay," the governor was given power to appoint the judges, even of the Superior Court, without the consent of the Council, and the judges were to hold office during the pleasure of the king.

One of the grievances enumerated in the Declaration of Independence was that the king "had made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries."

By chapter 3, article 1, of the Massachusetts Constitution "All judicial officers . . . . shall hold their office during good behaviour, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the Governor, with the consent of the Council, may remove them upon the address of both houses of the legislature."

This provision applies not only to the judges of the higher courts of record, such as the Supreme Judicial and the Superior Courts, but also to the judges of probate and insolvency, and to the municipal and police and district court judges. In 1840, a question arose as to whether certain police court judges held their offices during good behavior, or merely for the term of seven years, and the governor requested the opinion of the justices of the Supreme Judicial Court. Chief Justice Shaw and Justices Putnam, Wilde and Dewey replied that such judges held during good behavior.[2]

In the Constitutional Convention of 1853 a strenuous effort was made to change the tenure of judicial office from appointment by the governor during good behavior to election by the people for a term of years. It was in opposition to these proposed changes that Rufus Choate, then in the full maturity of his great powers, delivered his celebrated speech—a speech which has recently been recalled to public attention by his gifted relative, Joseph H. Choate of New York, now ambassador to Great Britain. His arguments and his influence contributed largely in preserving the tenure of office prescribed in the original Constitution of 1780, and Massachusetts is to-day one of the very few States in which the judges hold office during good behavior and are appointed by the governor. The decision reached in the Constitutional Convention of 1853 was in favor of limiting the term of office of subsequently appointed judges to ten years; but the people rejected this Constitution.

Upon the establishment of the Supreme Court of Connecticut in 1711, the judges were appointed annually by the General Assembly, and so continued for many years.[3]

The Constitution of 1818 ordained that the judges of the Supreme Court and of the Superior Court should be appointed by the General Assembly, and hold their offices during good behavior. They were made subject to removal by impeachment, and it was further provided that "the Governor shall also remove them on the address of two-thirds of the members of each house of the General Assembly."[4]

In 1856 an amendment to the Constitution

[1] Washburn, page 160.
[2] Opinion of the Justices, 3 Cushing. 584.
[3] Judicial Hist. Conn. 135, 136 (1895).
[4] Conn. Const., Art. 5, Sect. 3.

was adopted, by which it was provided that the judges should hold office for a term of eight years, but not after attaining the age of seventy years.[1]

In Vermont the Constitution of 1793 empowered the General Assembly to elect the judges of the Supreme Court, without specifying their term of office; but by a subsequent amendment to the Constitution their term of office was fixed at two years.[2]

All the judicial officers in New Hampshire are nominated and appointed by the Governor and Council. They hold office during good behavior; but may be removed by the Governor and Council upon the address of both houses of the legislature.[3]

In Maine all judicial officers hold for the term of seven years; but may be removed by impeachment, or by address of both branches of the legislature to the executive.[4] The judges are appointed by the Governor with the advice and consent of the Council.[5]

The judges of the Superior Court of Judicature of Rhode Island were chosen annually by the General Assembly from its establishment in 1747.[6]

The Constitution of the "State of Rhode Island and Providence Plantations," adopted in 1842, declared that "the judges of the Supreme Court shall be elected by the two houses in grand committee," and that they shall hold their offices until their places "be declared vacant by a resolution of the General Assembly to that effect. . . . But a judge of any court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor." [7]

The minute provisions in the Massachusetts Constitution of 1780,[8] and of other New England States, prohibiting the holding of inconsistent public offices by the same person, arose from the abuses of plural offices in the provincial period. There was no law which prevented a man from holding as many offices as he could get, and some persons were very successful in this line of effort. As James Otis said in 1762: "Instances may be found, where a man of abilities shall monopolize a power proportionate to all those of Lord Chief Baron of the Exchequer, Lord Chief Justice of both branches, Lord High Treasurer, and Lord Chancellor of Great Britain, united in one single person." Thomas Hutchinson in 1762 was at the same time chief justice, lieutenant-governor, a councillor, and a judge of probate for the county of Suffolk.[9]

Section 51. Constitutional and Legislative Courts.

The Supreme Judicial Court is the only court of Massachusetts which ranks as a constitutional court, in the sense that it cannot be abolished by the legislature.[10] It was established by the first constitution of 1780, and is the direct lineal successor of the "Superior Court of Judicature, Court of Assize and General Gaol Delivery," established in 1699, under the charter of William and Mary.[11]

This year (1899), it will complete the second

[1] Conn. Const. Amendment, 12.
[2] Vt. Const., ch. 2, sect. 9.
Vt. Const. Amendment, 10.
Vt. Const. Amendment, 26.
[3] N. H. Const., II, Articles 45. 72.
[4] Maine Const. Art. 6, sect. 4.
[5] Maine Const. Art. 5, sect. 8.
[6] Arnold's Rhode Island, II, 157 (3d ed.)
[7] R. I. Const. Art. 10, sect. 4.
[8] Declaration of Rights, Art. 30; Const. c. 6, sect. 2.
[9] Quincy's Mass. Reports, App. I, page 426;
Minot's Hist. Mass. II, 79 note;
Washburn's Jud. Hist. 160.
[10] Horace Gray in pamphlet on "The power of the Legislature to create and abolish courts of Justice" (Boston, 1858).
[11] Russell Gray in paper entitled "The Supreme Judicial Court of Massachusetts," 13 Medico-Legal Journal, 225, 231 (September, 1895).

century of its existence as the highest court of the Province and of the Commonwealth. It is probably the oldest court in the United States, with respect to continuous and unbroken existence.

All the other State courts of Massachusetts have been created by the legislature, and may be abolished by the legislature. The Probate Court comes the nearest to being a constitutional court. It was in existence prior to the adoption of the Constitution of 1780, and was recognized by that instrument. Governor Hancock issued a proclamation on November 2, 1780, by which the then judges of probate were continued in office, and soon afterward he appointed and commissioned probate judges, who continued to transact business until the passage of the statute of 1783, c. 46. This statute established the County Courts of Probate, with original jurisdiction, and gave a right of appeal to the Supreme Judicial Court as the Supreme Court of Probate. In the language of Chief Justice Shaw sustaining the validity of the statute of 1858, c. 93: "The probate court was a judiciary under the Constitution, and its jurisdiction might be modified, enlarged, diminished or transferred, in the same manner as the jurisdiction of all other courts subordinate to the Supreme Judicial Court." [1]

It was ordained by the original constitution that "The General Court shall forever have full power and authority to create and constitute judicatories and courts of record, or other courts, giving them jurisdiction over all matters criminal or civil." This power to establish courts, coupled with authority to define and limit the powers and duties of civil officers, confers upon the legislature the power to fix and limit the jurisdiction of such courts, and to change, modify and abolish them at any time. The legislature has frequently exercised this power. The old Court of Sessions furnishes a striking illustration. "Originally composed of all the justices of peace of the county, and invested with a considerable criminal jurisdiction; then composed of a smaller number of judges; afterwards its judicial powers were transferred to the Court of Common Pleas, and its administrative powers, first to commissioners of highway, then to county commissioners; and ultimately the entire abolition of the Court of Sessions itself." [2] The Court of Common Pleas had a similar experience. It was established in 1820 and abolished in 1859.

In 1856 the legislature established Courts of Insolvency and transferred to them all the jurisdiction of commissioners of insolvency, by the statute of 1856, c. 284. This act was held constitutional by the Supreme Judicial Court in 1857.[3]

The legislature has also established police, district and municipal courts, and has prescribed their jurisdiction and powers. Trial by jury in these lower courts is not required by the Constitution, if the defendant has an unfettered right of appeal to a higher court, where trial by jury is allowed.[4]

The present Superior Court is the great trial court of the Commonwealth. Its jurisdiction has been repeatedly enlarged and in it nearly all trials by jury now occur. It was established in 1859. In 1883 jurisdiction in equity was conferred upon the Superior Court. In 1887 exclusive original jurisdiction in causes of di-

[1] Russell v. Howe, 12 Gray, 147, 153 (1858).
[2] Shaw, C. J., Dearborn v. Ames, 8 Gray, 1, 14 (1857).
[3] Dearborn v. Ames, 8 Gray, 1;
Opinion of the Justices, 8 Gray, 20.
[4] Jones v. Robbins, 8 Gray, 329.

vorce and nullity of marriage was given to it; and in 1891, jurisdiction of capital crimes. The whole trend of recent legislation has been in the direction of increasing the duties of this court, and of relieving the Supreme Judicial Court of trials of fact, in order that the latter may have more time for the consideration and determination of questions of law, sitting as a full bench. The Superior Court has jurisdiction throughout the Commonwealth, and the judges are not confined to one county, but sit by turns in all the counties, as arranged by the judges themselves.

Section 52. Judicial Salaries.

Until 1772 judicial salaries in Massachusetts were determined by the legislature, and were very small and were often changed, and sometimes reduced in amount, in order to show the legislature's disapprobation of judicial action. Judge William Hawthorn of Salem, who is described by Washburn as a man "of great influence in the Colony," received the munificent sum of fifty pounds in 1702 for a year's salary. In 1748 the five judges of the Superior Court received less than $350 each. In Governor Hutchinson's time the salaries were about one hundred and twenty pounds sterling, with a small allowance for travelling expenses.[1]

In 1772, the British government endeavored to conciliate the Massachusetts judges of the Superior Court by increasing their salaries and by paying them out of the royal treasury, instead of out of the Province treasury. The salary of the chief justice was raised from two hundred pounds to four hundred pounds, and that of the associate judges from one hundred and sixty pounds to two hundred pounds each. The colonists, however, suspected a sinister motive in this change, and the measure became very unpopular and aroused so much opposition that all the judges, except Chief Justice Oliver, refused to accept salaries from the Crown.[2]

Chief Justice Oliver excused his conduct in accepting a larger salary from the Crown, upon the ground that his salary of two hundred pounds allowed by the Province was too small to live upon, and that while he had held the office he had expended three thousand pounds in excess of his salary. This excuse, however, did not satisfy the House of Representatives, and in their impeachment proceedings against Oliver one of the charges against him was his action upon this question. The Council, to whom these articles of impeachment were presented, never acted upon the matter, however, for the reason that Governor Hutchinson refused to preside, contending that the Council was without jurisdiction to try impeachments, and the power of the Council to proceed in the governor's absence was at least doubtful.[3]

Upon the adoption of the Constitution of Massachusetts in 1780, the Superior Court became the Supreme Judicial Court, and has continued to the present time to be the highest court of law and equity and probate in the Commonwealth. On February 12, 1781, the legislature enacted that the salaries of the justices of this court should be three hundred and twenty pounds for the chief justice, and three hundred pounds for each of the associate justices per year, to be "computed in silver at six shillings and eight pence per ounce, and payable either in silver or bills of credit equivalent thereto."

The judges of the lower courts were not paid salaries, but merely fees for services actually

[1] Washburn, 23, 160, 161; Hutchinson, II, 376 note (2d ed.)

[2] Washburn, 160, 162.

[3] Washburn, 161, 162.

performed, for upward of forty years following the adoption of the Constitution. It was not until 1821 that the judges of the Court of Common Pleas were paid salaries, and not until 1824 that salaries were established by statute for the judges of the Probate Courts.[1]

Since Massachusetts became a State, only one attempt to reduce the salary of the judges of the Supreme Judicial Court has been made by the legislature. In 1843, a statute was passed for that purpose; but Chief Justice Shaw held it unconstitutional, and refused to accept any salary until the legislature repealed the act in 1844. The 29th Article of the Declaration of Rights ordains that these judges "should have honorable salaries ascertained and established by standing laws."

The judges in the other New England States were no better paid than in Massachusetts. In 1702 the judges of the County Courts of Connecticut received the large and munificent sum of seven shillings a day while holding court. In 1750 the fees of the chief judge of the Superior Court had advanced to twelve shillings a day, while the assistant judges received nine shillings a day. In 1787 the chief justice was paid an annual salary of seven hundred and fifty dollars, and the associate judges of the highest court, an annual salary of six hundred and sixty-seven dollars each, "in lieu of day wages and expenses, except dining expenses for the court."[2] It is to be hoped that the judges dined well!

In 1665 the judges of the General Court of Rhode Island were allowed three shillings a day for attendance at court, and forfeited six shillings a day if absent without sufficient excuse, and each absentee was subjected to a fine of five pounds in case no quorum appeared at court. In 1695 the assistants received four pounds each annually, the deputy governor five pounds, and the governor ten pounds, for all their duties to the Colony, judicial and otherwise combined.[3]

The judges of the higher court until 1783 did not receive salaries, but merely a small per diem for actual attendance and a share of the fees paid by litigants. Since 1783, they have generally received salaries. In 1822 the chief justice of the highest court in Rhode Island received only $250 a year, and the associates $200 each.[4]

Section 53. Women as Judges, Notaries Public and Justices of the Peace.

By the laws of New England, women whether married or unmarried, have never been allowed to officiate as judges in the courts of justice. This rule accords with the English law. The nearest approach to a woman judge was probably the celebrated Anne, Countess of Pembroke, Dorset and Montgomery, who held the office of hereditary sheriff of Westmoreland in the seventeenth century, and who, upon the authority of Butler's note to Coke on Littleton, discharged the duties of sheriff in person, and at the Appleby assizes sat with the judges on the bench.[5] Although the duties of sheriff were partly judicial, it is more than probable that her sitting upon the bench was by invitation of the judges, and not in discharge of any judicial functions.[6]

Within recent years the right of women to serve as justices of the peace and notaries public has received some attention from the legis-

[1] "Power of the Legislature to create and abolish Courts of Justice," 10–13, by Horace Gray (1858);
Mass. St. 1820, c. 79, sect. 10, 11;
Mass. St. 1823, c. 141, sect. 1.

[2] Judicial Hist. Conn. 180.

[3] Thomas Durfee in 4 New England States, 2367.

[4] Thomas Durfee in 4 New England States, 2387.

[5] Coke on Littleton, 326 *a*, note 280.

[6] Gray, C. J., in Robinson's Case, 131 Mass. 376, 378, citing 4 Craik's Romance of the Peerage, 162.

latures and courts. In June, 1871, the opinion of the justices of the Supreme Judicial Court of Massachusetts was requested by the Governor and Council upon the question of the legal validity of the appointment of a woman as justice of the peace. Chief Justice Chapman and Justices Gray, Wells, Colt, Ames and Morton, replied in the negative for the following reasons: "By the Constitution of the Commonwealth, the office of justice of the peace is a judicial office, and must be exercised by the officer in person, and a woman, whether married or unmarried, cannot be appointed to such an office. The law of Massachusetts at the time of the adoption of the Constitution, the whole frame and purport of the instrument itself, and the universal understanding and unbroken practical construction for the greater part of a century afterwards, all support this conclusion, and are inconsistent with any other. It follows that, if a woman should be formally appointed and commissioned as a justice of the peace, she could have no constitutional or legal authority to exercise any of the functions appertaining to that office." [1]

Similar views have been expressed with relation to women acting as notaries public. Although in Massachusetts the office of notary public is not judicial in its nature, it is nevertheless a public office, the duties of which must be performed by the notary personally and cannot be performed by deputy, and a record must be kept of some of his official acts. In March, 1890, it was accordingly stated by the justices of the Supreme Judicial Court, in answer to a question propounded by the Governor and Council, that, under the existing statutes, a woman could not lawfully be appointed a notary public.[2] In April, 1896, the further opinion was expressed by the justices, in reply to a request of the House of Representatives, that the legislature had not the constitutional power to authorize the Governor, by and with the advice and consent of the Council, to appoint women notaries public.[3]

In Maine it has also been held by a majority of the justices of the Supreme Judicial Court, consisting of Chief Justice Appleton and Justices Cutting, Danforth, Virgin and Peters, that under the constitution a woman could not lawfully be appointed a justice of the peace, because it was a judicial office, which could be filled only by a man. Justices Walton, Dickerson and Barrows, however, dissented.[4]

[1] Opinion of the Justices, 107 Mass. 604.
[2] Opinion of the Justices, 150 Mass. 586.
[3] Opinion of the Justices, 165 Mass. 599.
[4] Opinion of the Justices, 62 Maine 596 (1874).

CHAPTER VI.

THE JURY AND GRAND JURY.

Section 54. Early Juries and Grand Juries.

The powers, duties and benefits of the jury and grand jury were well understood and appreciated by the first settlers of New England. Indictment by grand jury and trial by petty jury were recognized as fundamental rights of Englishmen. In all the New England colonies, with a single exception for a short period, they were early employed. The jury generally consisted of twelve men selected from the body of the community, and sworn to decide any disputed matter of fact by judging upon evidence lawfully submitted to them; and conformed substantially to the definition given by Thomas Starkie in his well-known article on Trial by Jury, published in the Law Review for August, 1845. The grand jury generally consisted of twelve to twenty-four men.

In Plymouth Plantation we find the first use of the jury and of the grand jury. On December 27, 1623, it was enacted by Plymouth Colony that "all criminal facts and also all matters of trespasses and debts between man and man, should be tried by the verdict of twelve honest men, to be impanelled by authority, in form of a jury, upon their oath." Up to this time all trials had been held by the whole body of freemen.[1]

In 1630 the grand jury of Plymouth Plantation indicted John Billington for the murder of John Newcomen; and he was subsequently tried by a petty jury, found guilty and executed.[2]

In 1631 a jury trial occurred at Boston in the civil action of Dexter v. Endicott.[3]

In 1633 an indictment was framed against Captain Stone on the charge of adultery; but the "great jury" returned no bill under the form of "ignoramus."[4]

Arthur Peach, Thomas Jackson and Richard Stinnings were tried by a jury of Plymouth in 1638 for the murder of an Indian, and were all found guilty and hung.[5]

According to Governor Winthrop, the first grand jury in the Massachusetts Plantation was in September, 1635, "who presented above one hundred offences, and among others, some of the magistrates."[6]

Hubbard corroborates Winthrop upon the time, September, 1635, and adds: "It had been well that all following juries had been as quicksighted; it might have prevented a great number of evils that are ready to break out in every place by men born in sin, unless it be by due severity provided against."[7]

After 1635 all criminal prosecutions in this Colony seem to have been based upon the inquest or indictment of a grand jury.[8]

Thomas Leckford in his book entitled "Plain Dealing, or News from New England," published in 1642, thus describes the system then

[1] Goodwin's Pilgrim Republic, 251.
[2] Bradford's Plymouth, 329, 330 (ed. 1898); Savage's Winthrop, I. 43.
[3] Savage's Winthrop, I, 64.
[4] Washburn, 44.
[5] Bradford's Plymouth (ed. 1898), 432–435.
[6] Savage's Winthrop, I, 198.
[7] Hubbard's New England, 159 (ed. 1848).
[8] Washburn, 44; Hubbard, 159.

in use. "Twice a year, in the said great quarter courts, held before the general courts, are two grand juries sworn for the jurisdiction, one for one court, and the other for the other; and they are charged to inquire and present offences reduced by the Governor, who gives the charge, most on end, under the heads of the ten commandments." [1]

At the time of the settlement of New England, the grand jury was an informing and accusing tribunal, without whose previous action no person charged with a felony could be tried, except in a few special cases. "And in the struggles which at times arose in England between the powers of the king and the rights of the subject, it often stood as a barrier against persecution in his name; until, at length, it came to be regarded as an institution by which the subject was rendered secure against oppression from unfounded prosecutions of the crown. In this country from the popular character of our institutions, there has seldom been any contest between the government and the citizen which required the existence of the grand jury as a protection against oppressive action of the government. Yet the institution was adopted in this country, and is continued from considerations similar to those which give to it its chief value in England, and is designed as a means, not only of bringing to trial persons accused of public offences upon just grounds, but also as a means of protecting the citizen against unfounded accusation, whether it comes from government, or be prompted by partisan passion or private enmity. No person shall be required, according to the fundamental law of the country, except in the cases mentioned, to answer for any of the higher crimes unless this body, consisting of not less than sixteen nor more than twenty-three good and lawful men, selected from the body of the district, shall declare, upon careful deliberation, under the solemnity of an oath, that there is good reason for his accusation and trial." [2]

In 1644 occurred the famous jury trial at Boston before all the magistrates, in which Lady La Tour recovered a verdict of two thousand pounds for delay in her voyage at sea.[3]

In 1639, quarterly trials by a jury of twelve men were provided for in Rhode Island.[4]

In Connecticut it was enacted as early as 1643 that a grand jury of twelve or fourteen able men should be warned to appear at court in September of each year, or whenever the governor or court should find it necessary. Shortly after 1666, when the county courts were established, the grand jury met annually at the County Court in each of the four counties.[5] Trial by jury is "co-eval with our government," according to Judge Swift of Connecticut, and is "one of the most valuable privileges that can be enjoyed in civil society, and essential to the preservation of civil liberty." [6]

During the brief existence of New Haven as a distinct colony, which ceased by union with Connecticut in 1664, trial by jury was not allowed. Moses had not instituted or permitted trial by jury, and the strict followers of the Bible who made the laws of New Haven, preferred the ancient law-giver to any modern one. In this respect New Haven stood alone; [7] and carried the views of Moses much further

[1] Quoted in Savage's Winthrop, II, 44.
[2] Field, J., in charge to grand jury, 2 Sawyer, 667.
[3] Savage's Winthrop, I, 247, 248.
[4] Arnold's Rhode Island, 135.
[5] Judicial Hist. Conn. 171, 172.
[6] Swift's System, II, 230.
[7] Jud. Hist. Conn. 68, 163 (1895).

than the other New England colonies, all of which not only practised trial by jury but regarded this form of trial as essential to liberty.

Non-church members were not allowed for some years to serve as jurors in Massachusetts Bay, and only members of the Puritan church were eligible to jury service.

In 1662 this practice was prohibited by royal command, and in 1665 it was abandoned.[1]

A peculiar provision in the early law of jury trial was that which allowed the jury, or any one of the jurors, to consult with and receive advice from any person who happened to be in court at the time. In 1641 it was expressly enacted in the Massachusetts Body of Liberties, article 76, that: "Whensoever any jurie of trialls or Jurours are not cleare in their judgements or consciences conserneing any cause wherein they are to give their verdict, they shall have libertie in open court to advise with any man they thinke fitt to resolve or direct them, before they give in their verdict." [2]

Article 29 of the Body of Liberties of 1641 allowed the plaintiff and defendant by mutual consent to choose whether the action should be tried by "the Bench or by a Jurie, unless it be where the law upon just reason hath otherwise determined."

Section 55. The Right of Trial by Jury.

In the seventeenth century, trial by jury seems to have been the ordinary form of trial —in criminal as well as in civil matters—in equity as well as in common law proceedings, except when the amount involved was small. Thomas Leckford states in his "Plain Dealing, or News from New England," published in 1642, that "matters of debt, trespass, and upon the case, and equity, yea, and of heresy also, are tried by a jury." Even the admiralty courts, when exercising criminal jurisdiction employed juries. In 1717, a famous trial by jury of pirates occurred in Boston, in a special court of admiralty convened for this purpose. The jury found six of the pirates guilty, and they were executed on November 15, 1717.[3]

When only a small sum was involved in a civil action, trial by jury was not allowed. In Connecticut it was enacted in 1644 that actions under forty shillings should be tried by a court of magistrates without a jury. "In 1669 jurisdiction of these cases was transferred to an assistant or a commissioner with the selectmen of the town, the aggrieved party having liberty of review to the next County Court; and in 1702 it was vested in an assistant or justice of the peace. In 1717 no appeal was allowed under ten shillings; in 1724 the limit was extended to twenty shillings; and in 1736 if debt was due by bond, etc., and did not exceed forty shillings, no appeal was allowed. In 1767 the jurisdiction of a single magistrate was raised to five pounds, and two years later the right of appeal in such cases was taken away." [4]

The Constitution of the United States as originally adopted did not secure the right of trial by jury in civil cases; but by the seventh amendment to the Constitution it is ordained: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." This provision applies to trials in the courts of the United States, but not to

[1] Hutchinson, I, 30;
Leckford's Plain Dealing;
Savage's Winthrop, II, 209 note.

[2] Thomas, J., in Commonwealth v. Anthes, 5 Gray, 276.

[3] Hutchinson (2d ed.), II, 223 note.

[4] Carpenter, J., in Curtis v. Gill, 34 Conn. 49, 55.

trials in the State courts. The States have the power to regulate or abolish trials by jury in their own courts, unrestrained by the Federal Constitution. Jury trial is not a privilege or immunity of national citizenship which the States are forbidden to abridge by the fourteenth amendment to the Constitution. The right may be waived by consent of parties in the Federal courts; but a territorial statute prohibiting trial by jury is null and void.[1]

The Constitutions of all the New England States protect the right of trial by jury, and declare in different forms that this right shall remain inviolate, or sacred, or shall be preserved.

There are, however, many ways in which the legislature may affect and change trial by jury without violating the fundamental right. It may, for instance, enlarge the jurisdiction of a lower court where a jury trial is not allowed, and require an appeal bond to be given by the unsuccessful party, before a jury trial can be obtained in the higher court, in criminal as well as in civil cases;[2] but not for an unreasonable amount.[3]

So, likewise, the legislature may repeal a statute which allows a second jury trial as of course.[4] It may also require a party who desires a jury trial to claim it in court within a certain reasonable time, or lose the right.[5] The court may adopt and enforce a rule requiring the defendant in certain classes of cases to file an affidavit of defence, or lose his right to a jury trial.[6] A statute is constitutional which provides that after a party has been defaulted in court, judgment may be rendered against him without trial by jury.[7]

The right of a trial by jury does not extend to matters of probate. Neither in the Probate Court itself, nor on appeal therefrom, has a party a constitutional right to a jury.[8] The same is true with respect to suits in the Courts of Chancery, because they proceed according to the civil law and not strictly according to the common law.[9]

Even in common law proceedings, a jury need not in cases involving small amounts consist of twelve men.

Under the Connecticut statutes relating to trials before a justice of the peace for small amounts, a jury may consist of six electors without violating the Constitution.[10] In Vermont, in a suit before a justice of the peace, either party has a right by statute to demand a trial by a jury of six persons.[11]

In New Hampshire and some other States, the courts have expressed the opinion that under the State Constitution a jury cannot consist of less than twelve men, and that a statute providing for a trial by less than twelve in any

[1] Parsons v. Armor, 3 Peters, 413;
Barron v. Baltimore, 7 Peters, 247;
Webster v. Reid, 11 Howard, 437;
Edwards v. Elliott, 21 Wallace, 532;
Walker v. Sauvinet, 92 U. S. 90;
Colt v. Eves, 12 Conn. 243.

[2] Beers v. Beers, 4 Conn. 535 (1823);
State v. Brennan, 25 Conn. 278 (1856);
Jones v. Robbins, 8 Gray, 329 (1857);
Hapgood v. Doherty, 8 Gray, 373.

[3] Greene v. Briggs, 1 Curtis C. C. 311 (1852).

[4] Matthews v. Tripp, 12 R. I. 256 (1879).

[5] Foster v. Morse, 132 Mass. 354 (1882).

[6] Jones v. Spear, 21 Vt. 426 (1849).

[7] Commonwealth v. Whitney, 108 Mass 5; Hunt v. Lucas, 99 Mass. 404.

[8] Weed's appeal, 35 Conn. 452 (1868);
Piper v. Clark, 18 N. H. 415.

[9] Ross v. New Eng. Mut. Ins. Co., 120 Mass. 113 (1876);
Charles River Bridge v. Warren Bridge, 7 Pick. 344, 369 (1829);
Powers v. Raymond, 137 Mass. 483 (1884);
Plimpton v. Somerset, 33 Vt. 283, 290 (1860);
Bellows v. Bellows, 58 N. H. 60.

[10] Colt v. Eves, 12 Conn. 243, 252, 253 (1837);
Curtis v. Gill, 34 Conn. 49 (1867);

[11] Vermont Statutes, 1894, section 1290;
Brown v. Irwin, 21 Vt. 68 (1848).

case where the Constitution gives the party a right to a trial by jury, is unconstitutional and void.[1]

While slavery existed, a fugitive slave had no constitutional right to a trial by jury, even in a free State.[2] But if a slave was brought into a free State by his master or came into such State without having escaped from a State where he owed labor or service, he could not be reclaimed by the master under judicial proceedings, but would be given his liberty on habeas corpus.[3]

In Vermont it has been held that trial by jury is not a constitutional right in actions on book account;[4] nor in proceedings by trustee process;[5] nor in the trial of petty offences;[6] nor in proceedings for laying out highways and assessing damages therefor;[7] nor, where the issue is tried by the court, has either party a constitutional right to have the damages assessed by a jury.[8]

By statute in Connecticut if the defendant submits to a default in an action for unliquidated damages, the plaintiff has no right to have the damages assessed by a jury, and in practice the damages are uniformly assessed by the court alone.[9] Upon the assessment by the court, the defendant is allowed to show any matter which has a tendency to reduce the damages to a nominal sum, even contributory negligence on the part of the plaintiff.[10] The result is that in certain classes of cases, particularly for personal injuries, the amounts recovered are very small, and many of such actions are brought in Massachusetts and other neighboring States, in order to obtain an assessment of damages by a jury.[11]

This Connecticut practice is a substantial restriction upon the right of trial by jury, and is of doubtful constitutionality. It is not only a hardship upon the citizens of Connecticut, but also places the burden and expense upon other States of trying cases which ought to be properly tried in Connecticut. The practice is an ancient one in that State, and was first introduced by the courts, without the authority of a statute.[12] In the Colony of New Haven, trial by jury was not allowed by law, and perhaps this circumstance explains the present practice. By a general order of Connecticut passed in 1644, the Particular Court, if they conceived that the jury had not proceeded according to the evidence, were authorized to "vary and alter the damages given in by the jury as they should judge most equal and righteous."[13]

Section 56. Constitutional Right to Indictment by Grand Jury.

The Fifth Amendment to the Constitution of the United States provides that "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury," excepting cases in the army and navy.

In the Federal Courts this provision constitutes a jurisdictional requirement, which must be strictly regarded and enforced in favor of the liberty of the citizen.[14] Though the insti-

[1] Opinion of the Justices, 41 N. H. 550 (1860).
[2] Sim's case, 7 Cushing, 285 (1851);
Prigg v. Pennsylvania, 16 Peters, 539.
[3] Commonwealth v. Aves, 18 Pick. 193.
Commonwealth v. Fitzgerald, 7 Law Reporter (Mass.) 379.
[4] Plimpton v, Somerset, 33 Vt. 283, 290, 291.
[5] Huntington v. Bishop, 5 Vt. 86.
[6] State v. Conlin, 27 Vt. 318.
[7] Gold v. Vt. Central Ry., 19 Vt. 478.
[8] Brown v. Irwin, 21 Vt. 68.
[9] Conn. Gen. Statutes, 1888, sect. 1106;
Raymond v. Danbury etc. Ry., 43 Conn. 596, 598.
[10] Daily v. New York etc. Ry., 32 Conn. 356;
Cary v. Day, 36 Conn. 152.
[11] Higgins v. Central N. E. Ry., 155 Mass. 176, 182.
[12] Swift's System, II, 268.
[13] William Hamersley, in New England States, I, 476.
[14] Ex parte Bain, 121 U. S. 1.

tution of the grand jury be no longer necessary to protect the individual from the oppression of a monarch, it is still useful and valuable to protect him "from an open and public accusation of crime, and from the trouble, expense and anxiety of a public trial before a probable cause is established," and "against hasty, malicious and oppressive public prosecutions."[1]

The Fifth Amendment, however, does not apply to trials in the State courts, and the States have the power to change or abolish the grand jury.[2]

The constitutional right to indictment by grand jury was thoroughly discussed by Chief Justice Shaw in the judgment of the majority, and by Judge Merrick in a dissenting opinion, in the leading case of Jones v. Robbins, 8 Gray, 329, decided in 1857. The Massachusetts statute of 1855, c. 448, authorized a single magistrate to try offences punishable by imprisonment in the State prison, without previous indictment or presentment by a grand jury. Under this act, one Henry Jones was tried and sentenced by the police court of Boston, and then petitioned for a writ of *habeas corpus*. It was held by the Supreme Judicial Court that this statute was contrary to "the law of the land" ordained by the twelfth article of the Massachusetts Declaration of Rights, and that the prisoner was entitled to a discharge, because he had been put out of the protection of the law and deprived of his liberty, without an indictment by a grand jury. "These terms, in this connection," said Chief Justice Shaw, "cannot, we think, be used in their most bald and literal sense to mean the law of the land at the time of trial; because the laws may be shaped and altered by the legislature from time to time; and such a provision, intended to prohibit the making of any law impairing the ancient rights and liberties of the subject, would under such a construction be nugatory and void. The legislature might simply change the law by statute, and thus remove the landmark and the barrier intended to be set up by this provision in the Bill of Rights. It must therefore have intended the ancient established law and course of legal proceedings, by an adherence to which our ancestors in England before the settlement of this country, and the emigrants themselves and their descendants, had found safety for their personal rights."[3]

Shortly after this judgment, the legislature repealed the act of 1855 by the act of 1857, c. 157. The doctrine of Jones v. Robbins has been affirmed and re-affirmed in later cases.[4]

In 1884, however, the same question came before the Supreme Court of the United States, with respect to the equivalent phrase "due process of law" in the fourteenth amendment; and that court decided that presentment by a grand jury was not essential to due process of law in a prosecution by a State for murder.[5]

Section 57. Unanimity of Jury.

The requirement of a unanimous verdict of the jury has occasionally been dispensed with in New England. Governor Winthrop records an instance of this in 1639. One Marmaduke Percy of Salem was indicted for the murder of his apprentice; and at his trial before the Court of Assistants, the jury of life and death could not agree upon a verdict. The case was continued to the next term of court, where further evidence was introduced, apparently

[1] Shaw, C. J., in Jones v. Robbins, 8 Gray, 329, 344.
[2] Hurtado v. California, 110 U. S. 516; Commonwealth v. Hitchings, 5 Gray, 485.
[3] Jones v. Robbins, 8 Gray, 329, 342, 343.
[4] Nolan's case, 122 Mass. 330 (1877); Commonwealth v. Horregan, 127 Mass. 450 (1879).
[5] Hurtado v. California, 110 U. S. 516.

before the same jury. Ten jurors favored a verdict of acquittal, but two jurors dissented. Finally the two dissenters remained silent, and the verdict of the rest was accepted, and the prisoner discharged.[1]

In England, the courts resorted to cruel methods to compel the jury to agree upon a verdict. Jurors were kept "without meat or drink, fire or candle," and were dragged at the cart's tail over the circuit, until they agreed, or the panel was broken by the death of one of the sufferers. In New England, coersive measures were never practised. If the jury reported a disagreement, the court had the power to send them out once or twice for further consideration; but if no agreement was then reached, the court took back the papers and discharged the jury.[2]

The courts of New England have, however, exerted a "moral suasion" over the minority to induce them to agree with the majority of the jury. In a criminal case tried in Massachusetts, after the jury had been out for several hours, the judge sent for them and instructed them in substance that if any of the jurors differed from a large number of their fellows, such difference of opinion should induce the minority to doubt the correctness of their own judgment, and lead them to a re-examination and closer scrutiny of the facts in the case, for the purpose of revising and reconsidering their preconceived opinions. The jury retired and afterward returned a verdict of guilty. The Supreme Judicial Court decided that such instructions were proper, and no ground for a new trial.[3]

In Connecticut it was enacted in 1644 that a verdict might be rendered by two-thirds of the jury, and the same statute declared that the jury might consist of either twelve or six men, as directed by the court. In 1655, it was provided by statute that if the parties to a civil cause agreed thereto in writing before the trial, a verdict concurred in by nine or more of the jury would be valid. Although unanimity is now required in Connecticut, there seems to be no express provision of the Constitution or statute upon the point. In criminal cases, however, a unanimous verdict was early required. By statute of 1672, where the punishment was death or banishment, a unanimous verdict of twelve men was necessary to convict.[4]

Under our present Constitutions, however, a unanimous verdict is necessary to its validity.

In 1859 this question was agitated in New Hampshire, and the House of Representatives requested the opinion of the justices of the Supreme Judicial Court upon it. The justices held the matter under consideration for a year, and then replied that the legislature had no power either to lessen the number of the jury below twelve, nor to authorize a verdict by less than twelve, in any case where the Constitution confers the right of trial by jury.[5]

In the Federal Courts, including all the Territorial Courts, it is now settled that the Seventh Amendment to the United States Constitution requires a unanimous verdict of twelve jurors in all common law cases; and that neither Congress nor a territorial legislature has power to authorize a verdict by a lesser number.[6] There is no provision in the National Constitution, however, which prevents the States from changing their constitutions or

[1] Savage's Winthrop, I, 384.
[2] Swift's System, II, 259.
[3] Commonwealth v. Tuey, 8 Cushing, 1 (1851).
[4] Jud. Hist. Conn. 163 (1895).
[5] Opinion of the Justices, 41 N. H. 550 (1860).
[6] American Publishing Co. v. Fisher, 166 U. S. 464; Springville v. Thomas, 166 U. S. 707; Thompson v. Utah, 170 U. S. 343.

laws, and authorizing a verdict by a majority of the jury.

In criminal trials, the requirement of a unanimous verdict is approved by all the leading jurists, judges and lawyers. In civil cases, however, this requirement has been subjected to considerable adverse criticism. That sturdy champion of popular rights, Zephaniah Swift of Connecticut, condemned unanimity as early as 1796, for the reason that "it is in many instances productive of delay, and may give an obstinate juror the power of controlling all the rest." [1]

Judge Samuel F. Miller of the Supreme Court of the United States, after an experience of twenty-five years on the bench, expressed the opinion that in civil cases "the system of trial by jury would be much more valuable, much shorn of many of its evils and much more entitled to the confidence of the public as well as of the legal and judicial minds of the country, if some number less than the whole should be authorized to render a verdict." And he added that eight or preferably nine should be allowed to render a verdict.[2]

With the advance of civilization, questions for the determination of the jury have become very difficult and complex, upon some of which it is unreasonable to expect twelve men to agree. It is no longer a question of merely guilty or not guilty, nor whether the plaintiff or defendant owns a parcel of land, or a certain head of cattle. Even if the jury agrees that the plaintiff is entitled to something, it is often impossible for them to agree upon the amount. In such case at least, a majority of eight or nine should be allowed to render a verdict.

Section 58. Attainting the Jury.

The process of attaint was practised for a short time in New England; but never with the severe penalties prescribed by the old English law. Not content with depriving the guilty jurors of all civil and social rights, and confiscating all their property and prostrating their houses, the law of England ordered each juror's wife and children to be turned out of his home.[3] In New England, the punishment was light in comparison, and the chief purpose was to obtain a new trial before a double jury, having power to revise the verdict of the first jury.

Attaint was authorized by the Massachusetts statute of 1672, and was regulated by the statute of 1684. Before the American Revolution, however, attaints had become obsolete in New England, as well as in England.[4]

Section 59. Jury's Right and Power to Decide the Law.

In civil cases, the right and power of the jury to decide questions of law was sometimes recognized and sometimes disallowed in the early laws of Massachusetts colony. [5]

When the practice of granting new trials became settled, this question ceased to be important. If the court considered the verdict contrary to its instructions upon the law, it set aside the verdict, and granted a new trial, and did not render judgment upon it.

On May 6, 1657, the General Court of Massachusetts enacted: "The duty of the jury is, if they do understand the law to the satisfac-

[1] Swift's System, II, 259.
[2] System of Trial by Jury, 21 Am. Law Review, 865 (1887).
[3] Shaw, C. J., in Commonwealth v. Anthes, 5 Gray, 185, 202.
[4] Washburn, 46;
Quincy's Reports, 559, 560.
[5] Washburn, 45;
Body of Liberties, Nos. 29, 30, 31, 70, 76, 77.

tion of their consciences, not to put it off from themselves, but to find accordingly; but if any of the jury doth rest unsatisfied what is the law in the case, then the whole jury have liberty to present a special verdict; viz.: if the law be so or so in such a point, we find for the plaintiff,—but if the law be otherwise, we find for the defendant;—in which case the determination is left to the Court." [1]

This statute of 1657, however, seems to have been merely declaratory of an existing custom, as appears from Thomas Leckford's book, "Plain Dealing, or News from New England," which was published in 1642, after four years spent in Massachusetts. He says: "Matters of debt, trespass, and upon the case, and equity, yea, and of heresy also, are tried by a jury, which although it may seem indifferent, and the magistrates may judge what is law and what is equal, and some of the chief ministers inform what is heresy, yet the jury may find a general verdict if they please; and seldom is there any special verdict found by them, with deliberate arguments made thereupon, which breeds many inconveniences." [2]

In all criminal prosecution, however, the power of the jury to return a general verdict, necessarily draws with it the power to decide the law as well as the facts. If the verdict be "not guilty," the court has no power to compel the jury to adopt its view of the law, and must discharge the prisoner even if the jury have disregarded the law as stated by the presiding judge. If the verdict be "guilty" the court may set aside the verdict, if satisfied that the jury have disregarded the law as stated by the presiding judge; but another jury may return the same verdict without being liable to punishment. In either case, therefore, the jury possess the power. Much discussion has taken place as to whether the jury have the "rightful" power to decide the law against the instructions of the court.

For two hundred years after the settlement of New England, the right as well as the power of the jury to determine questions of law involved in the issue at criminal trials, was universally recognized and acted upon by the people, by the legislature and by the courts. The judges admitted it, and in charging the jury, after expressing their own views of the law, they were careful to add that the jury had the right to decide otherwise.

So long as the judges were the instruments of the Crown and would take the side of the Crown against the people, it was essential to the liberty of the subject that the jury should possess the power to decide the law as well as the fact in criminal trials. If the king's judges could decide the law, it was of very little consequence who decided the facts. "History shows by the saddest lessons that there are no facts out of which constructive treason, conspiracies, sedition or libel cannot be made. The only safety of the subject was in the judgment of his peers upon the whole issue." [3]

Before the American Revolution "it was undoubtedly believed that in the then condition of things it would be safer for the colonies that the power of determining the law should be vested in the jury than to leave it in the hands of the judges. And even after the Revolution the doctrine seems to have obtained some currency that in all cases, civil as well as criminal, the jury had a right to determine the law as well as the facts." [4]

[1] Records, IV, part 1, p. 291; Whitmore's Colonial Laws, p. 91.

[2] Quoted in Savage's Winthrop, II, 44

[3] Thomas, J., in Commonwealth v. Anthes, 5 Gray, 185, 291 (1857).

[4] Walton, J., in State v. Wright 53 Me. 328, 333, citing Georgia v. Brailsford, 3 Dallas 4 (1794).

In Connecticut the court did not express any opinion with respect to the law in charging the jury in the first instance; but if a majority of the court were dissatisfied with the verdict as returned, they could send the jury out for further consideration, and before the jury retired, could instruct them in points of law. The want of power to instruct the jury before the verdict, was considered a defect in the judicial system of Connecticut by Judge Swift as early as 1796. The jury were the judges of of the law as well as of the facts.[1]

This doctrine has been carried so far in Connecticut as to allow the jury to decide the constitutionality of a statute. The question arose upon the liquor law of 1872, which was claimed by the accused to be unconstitutional. In a prior case, the Supreme Court had decided that law to be constitutional. Notwithstanding this decision, the presiding judge submitted the question to the jury, but stated that in his opinion the statute was constitutional, and added: "If you decide that to be unconstitutional which the Supreme Court hold to be constitutional, you will disturb the foundations of law. But after all, you are the judges of the law, and if on your consciences you can say this section is unconstitutional, then you ought to acquit the accused." The jury returned a verdict of guilty, and the Supreme Court held the charge to be correct.[2]

In 1880, this view was reaffirmed; but an instruction that it would be absurd for the jury to decide a statute to be unconstitutional after the Supreme Court had held it to be constitutional, was deemed no ground for granting a new trial to the accused.[3] Connecticut is now the only State in New England where this rule prevails.

The Supreme Judicial Court of Maine decided in 1841 that in criminal causes the jury are the judges of the law as well as of the facts. "It is doubtless their duty to decide according to law; and as discreet men, they must be aware that the best advice they can get upon this point, is from the court. But if they believe they can be justified in deciding differently, they have a right to take upon themselves that responsibility."[4]

Section 60. Same Subject; Modern View.

In 1835 the doctrine was first broached in New England that the jury had not the right to decide the law in a criminal case. Judge Story announced this view in United States v. Battiste, 2 Sumner, 240, in his charge to the jury in the Circuit Court of the United States for the District of Massachusetts. Daniel Webster appeared for the accused and argued the right of the jury to decide the law. In the charge, Judge Story said: "My opinion is, that the jury are no more judges of the law in a capital or other criminal case, upon the plea of not guilty, than they are in every civil case, tried upon the general issue. In each of these cases, their verdict, when general, is necessarily compounded of law and of fact, and includes both. In each, they must necessarily determine the law, as well as the fact. In each, they have the physical power to disregard the law as laid down to them by the court. But I deny, that, in any case, civil or criminal, they have the moral right to decide the law according to their own notions, or pleasure. On the contrary, I hold it the most sacred constitutional right of every party accused of a

[1] Swift's System, II, 259.
[2] State v. Buckley, 40 Conn. 246.
[3] State v. Thomas, 47 Conn. 546.
[4] Weston, C. J., in State v. Snow, 18 Me. 346, 348. In 1865, however, this case was overruled, and the view adopted that the jury could not decide the law. State v. Wright, 53 Me. 328.

crime, that the jury should respond as to the facts, and the court as to the law. It is the duty of the court to instruct the jury as to the law; and it is the duty of the jury to follow the law as it is laid down by the court. This is the right of every citizen; and it is his only protection. If the jury were at liberty to settle the law for themselves, the effect would be not only that the law itself would be most uncertain from the different views which different juries might take of it; but in case of error there would be no remedy or redress by the injured party; for the court would not have any right to review the law as it had been settled by the jury."

In 1843 the Superior Court of Judicature of New Hampshire decided the important case of Pierce v. The State, 13 N. H. 536, in which this question was ably discussed by Judge Gilchrist and Chief Justice Parker. The conclusion reached was that "it is inconsistent with the spirit of the Constitution that questions of law, and still less, questions of constitutional law, should be decided by the verdict of the jury, contrary to the instructions of the court." Since this case it has been considered a settled principle of constitutional law in New Hampshire that the court are the judges of the law, and the jury judges of the facts involved in the issue. "The trial by jury established by the Constitution," said Judge Doe in a later case, "is a trial in which the duties of the court and jury are divided in that manner. That was the true meaning of trial by jury at common law (as was held in Pierce v. State), and that was the meaning in which the Constitution adopted and guaranteed it. U. S. v. Morris, 1 Curtis, C. C. 23, 55. This point is so well settled and so well understood that no one would suppose it in the power of the legislature to transfer the duty of finding the facts from the jury to the judge, in any case in which a party has a constitutional right to a trial by jury, and insists upon his right." [1]

In Massachusetts, the jury's right to decide the law was conceded as late as 1830.[2] It was not until 1846 that this right of the jury was denied in Massachusetts. The first case to announce this rule, which has been adhered to ever since, was Commonwealth v. Porter, 10 Metcalf, 263, in which the opinion was delivered by Chief Justice Shaw. In the course of his judgment, the chief justice said (page 281): "Whether, therefore, we consider the rules of the common law, or the Constitution and laws of this Commonwealth, we are of opinion that it is the proper province and duty of the court to expound and declare the law, and that it is the proper province and duty of the jury to inquire into the facts by such competent evidence as may be laid before them, according to the rules of law for the investigation of truth, which may be declared to them by the court, and find and ultimately decide on the facts."

In a later case decided in 1857, Chief Justice Shaw considered "the true glory and excellence of the trial by jury" to consist in this: "That the power of deciding fact and law is wisely divided; that the authority to decide questions of law is placed in a body well qualified by a suitable course of training, to decide all questions of law; and another body well qualified for the duty, is charged with deciding all questions of fact, definitively; and whilst each, within its own sphere, performs the

[1] State v. Hodge, 50 N. H. 510, 523 (1869). In 1821 it was, however, decided in New Hampshire that the jury were the judges of the law. Trial of Davis Farmer, 68.

[2] Commonwealth v. Knapp, 10 Pick, 477, 495.

duty entrusted to it, such a trial affords the best possible security for a safe administration of justice and the security of public and private rights." [1]

When a statute purports to give the jury the rightful power to decide questions of law notwithstanding the instructions of the court to the contrary, a constitutional question arises, which has developed great difference of opinion. In the leading case of Commonwealth v. Anthes, 5 Gray, 185, three judges were of the opinion that the statute of 1855, c. 152, purported to confer this power upon the jury, and three judges were of the opinion that it did not; the court being composed of six judges. Chief Justice Shaw and Justices Metcalf, Bigelow and Merrick thought that the legislature could not, without violating the Constitution, empower the jury to determine questions of law involved in the issue on a criminal trial, against the instructions of the court. Justices Thomas and Dewey, on the other hand, held that the legislature did possess this power. The opinions delivered by Chief Justice Shaw and by Mr. Justice Thomas contain exhaustive discussions of the general question, as well as of the constitutional question.

The statute of 1855, c. 152, was incorporated into the General Statutes of 1860 and into the Public Statutes of 1882, and is still in force.[2] The decision of the majority of the court in Commonwealth v. Anthes, that the jury has no rightful power to determine questions of law contrary to the instructions of the court, has been followed in the later cases, and is now the settled law of the Commonwealth.[3]

In 1851, the question was decided by Judge Curtis in the trial of Robert Morris under the Fugitive Slave Act of 1850. The defendant's counsel, J. P. Hale and R. H. Dana, jr., contended that this act was unconstitutional, and that the jury had the right to so decide, even if the court charged that the act was constitutional. As one of the prisoner's counsel was beginning to argue the question to the jury, he was stopped by Judge Curtis, and informed that the court would hear him upon that question, but that he could not argue it to the jury. After argument addressed to the court Judge Curtis ruled "that under the Constitution of the United States, juries, in criminal trials, have not the right to decide any question of law; and that if they render a general verdict, their duty and their oath require them to apply to the facts as they may find them, the law given to them by the court." [4]

In Maine and Vermont it has also been held to be unconstitutional for the jury to determine the law for themselves in criminal trials, contrary to the instructions of the court.[5]

Upon all indictments for libel, the right and power of the jury to determine the law as well as the fact, are secured by the Constitution of Maine.[6] The question of libel or no libel has been held in this State to be a question of law, and not of fact, following the opinion of the twelve judges of England in their answer to the House of Lords; but by virtue

[1] Commonwealth v. Anthes, 5 Gray, 185, 198 (1857).

[2] Mass. General Statutes, c. 172, sect. 15;
Mass. Pub. Statutes, c. 214, sect. 17, provides that "the jury shall try, according to established forms and principles of law, all criminal causes committed to them, and, after having received the instructions of the court, shall decide, in their discretion, by a general verdict, both the fact and the law involved in the issue, or may at their election find a special verdict,"

[3] Commonwealth v. Marzynski, 149 Mass. 68 (1889).

[4] United States v. Morris, 1 Curtis, C. C. 23, 63.

[5] State v. Wright, 53 Me. 328, 338 (1865);
State v. Burpee, 65 Vt. 1, 30, 34 (1892).

[6] Maine Const. art. 1, sect. 4.

of the Maine Constitution, the Supreme Judicial Court has decided that it is the province of the jury to determine the question.[1]

It was decided by the Supreme Court of Rhode Island in Dorr's Trial, 121, that the jury were not the judges of the law in a criminal case, and this doctrine was affirmed in 1859.[2]

In Vermont the early doctrine prevailed until 1892, when the Supreme Court held that the jury are not the paramount judges of the law in criminal cases, and overruled a long line of decisions to the contrary.[3]

The jury cannot be compelled to return a special verdict, and a general verdict does not show whether the jury found it upon the facts or upon the law. A verdict of guilty may be based upon an erroneous view of the law. If the jury adopt an erroneous view of the law in returning a verdict of guilty, the accused has no redress; but if the judge rules erroneously, he may obtain a new trial, or a discharge, by taking the case to a higher court. Under the old system where no appeal was allowed in criminal cases, the theory that the jury had the right to disregard the instructions of the court, operated in favor of the liberty of the individual; because the jury were more apt to acquit than to convict when they disagreed with the judge upon the law. But this consideration has lost much of its force under the modern system, which allows an appeal by the accused, but not by the State.[4]

Moreover in the old system, all important criminal trials took place before the whole court, and it was customary for several judges to deliver separate charges to the jury, and it sometimes happened that the judges expressed different and inconsistent views of the law. In such cases the duty necessarily devolved upon the jury to decide the law if they returned a general verdict. "It followed as almost a necessary consequence of this course of proceeding, that a verdict must be conclusive. How would it be possible to take exceptions to instructions in point of law, where those instructions were various and perhaps contradictory? Or to object to a verdict for a misdirection, where if the directions given by one judge were incorrect, their influence may have been counteracted by those of another, which were strictly conformable to law?" [5]

Under the present system, the whole court do not sit in jury trials, and only one charge is delivered, and consequently the danger of inconsistency is reduced to a minimum. At any rate, the charge may be made to appear upon the record, and, if incorrect in law, the error may be corrected by a higher court. When the jury errs in law and returns a verdict of guilty, the accused has no redress in a higher court.

Section 61. Charging Jury on Questions of Fact.

The English judges have possessed and freely exercised the power to comment upon the the testimony, to call the jury's attention to parts of it, and to express their opinion upon the facts, leaving the ultimate decision of all matters of fact to the determination of the jury. The same practice has prevailed in the Courts of the United States, even when held in States where a different practice

[1] State v. Goold, 62 Maine, 509 (1871).
[2] State v. Smith, 6 R. I. 33.
[3] State v. Burpee, 65 Vt. 1 (1892); overruling State v. Croteau, 23 Vt. 14 (1849);
State v. Paddock, 24 Vt. 312 (1852);
State v. Barron, 37 Vt, 57 (1864);
State v. Meyer, 58 Vt. 457 (1886);
State v. Freeman, 63 Vt. 496 (1891).
[4] Commonwealth v. Cummings, 3 Cush. 212.
[5] Shaw, C. J., Sketch of Chief Justice Parker, 9 Pick. 569, 570 (1830).

has been in force under statutes or State constitutions. "The powers of the courts of the United States in this respect are not controlled by the Statutes of the State forbidding judges to express any opinion upon the facts." [1]

Judge Story in delivering the opinion of the the Supreme Court of the United States in an early case, announced the Federal rule, which has been adhered to ever since: "With the charge of the court to the jury, upon mere matters of fact, and with its commentaries upon the weight of evidence, this court has nothing to do. Observations of that nature are understood to be addressed to the jury merely for their consideration, as the ultimate judges of matters of fact, and are entitled to no more weight or importance than the jury, in the exercise of their own judgment, choose to give them. They neither are, nor are they understood to be, binding upon them as the true and conclusive exposition of the evidence." [2]

In the State Courts, however, the judges are generally prohibited to charge the jury upon the facts, or to express any opinion upon the credibility of witnesses; for the reason that it is considered an invasion of the province of the jury.[3]

The form of the existing Massachusetts statute indicates that its adoption was the result of a compromise between two opposing forces, which has rendered it difficult to construe. The statute declares that "the courts shall not charge juries with respect to matters of fact, but may state the testimony and the law." The two branches of this act are somewhat inconsistent; but the purpose of the legislature seems to have been to forbid the judges from charging the jury that, in their opinion, certain facts had been or had not been proved by the evidence or that certain witnesses were worthy of belief; but to allow the judges "to sum up the evidence, to state its legal effect and bearing on the issues, and to indicate its proper application under the rules of law." [4]

As the judge is allowed "to state the testimony," it follows that he may charge the jury that certain circumstances are entitled to great weight, and that other circumstances are of little or no importance.[5]

The early rule in Maine was that the presiding judge had the right to charge the jury on the facts, and that an expression of his opinion upon the facts and the testimony was no ground for granting a new trial.[6] In 1874, however, this rule was changed by statute, which expressly prohibited the judge from stating his opinion upon issues of fact arising in the case, and made a violation of the statute a cause for a new trial.[7] Under this statute the presiding judge may state the grounds respectively taken by counsel, and may rule the law as applicable to the hypothetical statements of both sides.[8] He may also state that certain facts are not controverted, and if the facts are controverted by either party, his counsel must call the matter to the judge's attention before the jury retire, or he will be considered as having waived his right of exception.[9]

[1] Gray, J., in Vicksburg etc. Ry. v. Putnam, 118 U. S. 545, 553;
Nudd v. Burrows, 91 U. S. 426;
Lincoln v. Power, 151 U. S. 436.
[2] Carver v. Jackson, 4 Peters, 1, 80 (1830).
[3] Mass. General Statutes, c. 115, sect. 5;
Mass. Public Statutes, c. 153, sect. 5;
Conn. General Statutes (1888), sect. 1630;
Maine Revised Statutes (1883), c. 82, sect. 83.
[4] Bigelow, C. J., in Commonwealth v. Barry, 9 Allen, 276, 279 (1864).
[5] Foster, J., in Durant v. Burt, 98 Mass. 161, 168;
See also, State v. Smith, 65 Maine, 257.
[6] Gilbert v. Woodbury, 22 Maine, 246 (1843).
[7] Maine Statute 1874. c. 212;
Maine Revised Statutes (1883), c. 82, sect. 83.
[8] State v. Benner, 64 Maine, 267, 291 (1874).
[9] Harvey v. Dodge, 73 Maine, 316 (1882).

Massachusetts

The Judiciary and the Bar of New England

FOR THE

NINETEENTH CENTURY.

The Judiciary and the Bar of New England

FOR THE

NINETEENTH CENTURY

BIOGRAPHICAL - MASSACHUSETTS



The Judiciary and the Bar of New England.

MASSACHUSETTS.

LEMUEL SHAW, LL.D., Boston, for thirty years chief justice of the Massachusetts Supreme Judicial Court, was the son of Rev. Oakes and Susannah (Hayward) Shaw, and was born in Barnstable, Mass., January 9, 1781. His grandfather, Rev. John Shaw, the minister of Bridgewater, educated four sons at Harvard College, all of whom became Congregational ministers. His father, Rev. Oakes Shaw, was born in Bridgewater, Mass., June 10, 1736, was ordained over the First Church (West Parish) in Barnstable on October 1, 1760, and continued in that pastorate until his death, February 11, 1807; his wife, Susannah, was a sister of Dr. Lemuel Hayward, a leading physician of Boston, from whom the son was named. She was born in Braintree, Mass., and was a woman of vigorous mental and physical powers, and died in 1836, aged ninety-four.

Lemuel Shaw was fitted for college by his father and by Rev. William Salisbury, of Braintree, and in 1796 entered the freshman class at Harvard, where he was graduated in 1800. In order to pay his expenses through college he taught school winters, and after graduating he was for one year an usher in the old Franklin (Brimmer) Grammar School in Boston under Dr. Asa Bullard, principal. He also contributed to the Boston Gazette, then a leading Federal organ, acting for a time as its assistant editor. Late in the year 1800 he began the study of law in the office of David Everett, lawyer, author and scholar, who soon removed from Boston to Amherst, N. H., where Mr. Shaw, having followed him, completed his legal studies, being admitted to the New Hampshire bar at Hopkinton in September, 1804. In October of the same year he was admitted to the bar of Massachusetts, and at once settled in Boston, having an office in the Old State House with Thomas O. Selfridge.

His progress was slow, but sure. The first case in which his name appears in the Reports is Young vs. Adams, 6 Mass., 162 (1810), which involved $5. He continued in active practice for twenty-six years, studying not only the law, but also English classics and general literature, and mastering the English tongue. He was also prominent in local affairs, serving as fire warden, school committeeman, Fourth of July orator, and selectman. He represented the town of Boston in the General Court from 1811 to 1815 inclusive, was a member of the Massachusetts Constitutional Convention of 1820, served as State senator in 1821–22 and 1828–29, and wrote the act incorporating the city of Boston with the exception of the sections relating to public theatres and exhibitions and the Police Court, which were drafted

by William Sullivan. This charter and plan of city government, devised by him as chairman of the joint committee while a member of the Senate, was well done and eminently successful in practical operation. While in the House he and Prof. Asahel Stearns, of Cambridge, were appointed a commission to publish a new and revised edition of the General Laws of the Commonwealth, which was in exclusive use from 1820 to the general revision of the statutes in 1836. He was an ardent Federalist, and a strong supporter of his party from the first of the century until its dissolution. After practicing law alone for sixteen years he admitted his law student, Sidney Bartlett, to partnership, under the style of Shaw & Bartlett.

On the 23d of August, 1830, Governor Lincoln appointed him chief justice of the Supreme Judicial Court of Massachusetts to succeed Chief Justice Isaac Parker, deceased, and he continued in that exalted office for thirty years, resigning August 31, 1860, on account of old age and feeble health. He died in Boston on March 30, 1861.

Judge Shaw held the chief justiceship longer than any other man in the history of his Commonwealth, and to say that he filled it with the highest honor and distinction is only just to his memory. He was a good *nisi prius* judge, careful, thorough and systematic. His charges to the jury were invariably simple and clear. He brought to the hearing in banc the same patience, the same desire to be instructed. He was a man of great firmness, and had the highest sense of natural justice and equity. Two of his famous opinions are contained in Farwell vs. Boston and Worcester Railroad Co., 4 Metcalf 49 (1841), and in Jones vs. Robbins, 8 Gray, 329 (1857). An example of his wonderful vitality and vigor to the end may be found in his decision in the case of the Commonwealth vs. Temple, 14 Gray, 69, which was written in his eightieth year. His decisions, beginning with 9 Pickering and including 16 Gray, make about one-third of the fifty-seven volumes of the Massachusetts Reports issued while he was chief justice. The following extract from the writing of the late Judge Benjamin F. Thomas shows how Lemuel Shaw was induced to become chief justice:

"Daniel Webster used to give a pleasant account of this conference. He found the future chief justice smoking his evening cigar. Mr. Webster could not join him. It was a weakness of this otherwise notable man, that he could not smoke. So Mr. Webster talked while Mr. Shaw smoked. Mr. Webster made a regular onslaught upon him. Conceding the personal and pecuniary sacrifice, he pressed upon him, with the greater earnestness, the public want and demand, the dignity and importance of the office, and the opportunity it presented of winning an honored name, by valuable and enduring service to the State. Mr. Shaw was silent, showing, as Mr. Webster put it, the impression made upon him only by the intensity with which he smoked. Mr. Webster could get no more at the first interview than the promise not to say No before he saw him again. At a second interview, with the aid of his own reflections and the urgency of leading members of the bar and his own appeal, Mr. Webster got a reluctant assent. Mr. Webster used to add that, however the balance might be as to his public services, he was sure the Commonwealth owed him a great deal for that alone; that his efforts (so he thought) had secured for the State, for thirty years, so able, upright, and excellent a chief justice. It is not difficult to believe that the earnest counsel and pressure of Mr. Webster, fresh from the field of the great debate — in which he had shown himself the first of living orators, and for which the heart of New England so clave to him — should have had large, even decisive, influence upon the judgment and will of his friend. Be this as it may, it speaks none the less for the chief justice, that the greatest of New England statesmen should have felt it added to his laurels, and to his claims upon the consideration of the people of Massachusetts, that he had aided in obtaining for her the services of such a magistrate."

One of Judge Shaw's contemporaries records the following tribute to his memory:

"With a firm trust in God, with a constant sense of His presence, looking to Him for guidance and support, nothing could move him from the path of duty. He stood in his place, and the billows broke at his feet. As man and as judge, he stood the severest test, the closest scrutiny. The nearer you got to him the more thoroughly you knew him—the greater, wiser, better man and magistrate he appeared to you. Great on the bench and in the books, it was in the consultation room that you first understood and felt the variety and affluence and extent of his resources."

Judge Shaw was a member of the Board of Overseers of Harvard College for twelve years and of the Corporation of Harvard for twenty-seven years, and a member of the Massachusetts Historical Society, of the Boston Library Society, of the Humane Society, of the Academy of Arts and Sciences, and of the Society for the Propagation of the Gospel among the Indians of North America. He received the degree of LL.D. from Harvard in 1831 and from Brown University in 1850, and was a strong anti-slavery advocate and an occasional contributor to the press.

He was married, first, January 6, 1818, to Elizabeth, daughter of Josiah Knapp, of Boston, by whom he had a son and a daughter. In August, 1827, he married, second, Hope Savage, daughter of Dr. Samuel Savage, of Barnstable, Mass.; they had two sons, Lemuel and Samuel S., both of whom became members of the Boston bar, being admitted in 1852 and 1856 respectively.

WALBRIDGE ABNER FIELD, LL.D., Boston, chief justice of the Supreme Judicial Court of Massachusetts, is descended on his father's side from Thomas Field, nephew of William Field, of Field's Point, R. I., and on his mother's side from Edmund Griswold, of Connecticut. His father, Abner Field, was the son of Pardon and Elizabeth (Williams) Field, the latter being a lineal descendant of Roger Williams. His mother, Louisa Griswold, was a daughter of Daniel and Anna Lenthal (Ames) Griswold, of Middletown, Conn. From this distinguished New England ancestry the chief justice inherits those sterling



WALBRIDGE A. FIELD.

traits of character which have always marked his race, and which have made the name a conspicuous one in American history.

Judge Field was born in Springfield, Windsor county, Vt., April 26, 1833. He attended the private schools, academies, and Wesleyan Seminary of his native town, and was graduated from Kimball Union Academy at Meriden, N. H., in 1851. The same year he entered Dartmouth College, from which he was graduated with honors in the class of 1855, and where he spent the next two years as general instructor of Latin, Greek, and mathematics. He then began the study of law in the office of the late Harvey Jewell, of Boston, but in January, 1859, took charge of the professorship of mathematics at Dartmouth for the spring and summer terms. Afterward he resumed his legal studies at the Harvard Law School, and was admitted to the Suffolk bar in May, 1860,

and later to the bar of all the United States courts.

Immediately after his admission he began active practice with his preceptor, Mr. Jewell, and in July, 1865, was appointed assistant United States attorney for Massachusetts under Richard H. Dana. He remained with Mr. Dana and his successor, George S. Hilliard, until 1869, when he was appointed by President Grant as assistant United States attorney-general under E. Rockwood Hoar, in which position he continued until August, 1870. Returning to Boston he formed a law copartnership with Harvey Jewell and William Gaston, the firm name being Jewell, Gaston & Field. When Mr. Gaston became governor of Massachusetts in 1875 the style of the firm was changed to Jewell, Field & Shepard, Edward O. Shepard, the junior member being admitted at that time. This firm continued until February, 1881, when Mr. Field was appointed by Governor Long an associate justice of the Supreme Judicial Court of the Commonwealth, of which he was made chief justice by appointment of Governor Brackett, in 1890, to succeed Marcus Morton, resigned.

In the practice of his profession Judge Field developed those powerful legal qualifications that made him conspicuous as a lawyer and advocate. He rapidly gained a high reputation for ability, for the care and thoroughness with which he prepared every case, and for his learning and profound knowledge of the law. Between 1865 and 1870 he was almost exclusively employed in United States practice, but excepting this his law business was of a general civil nature. He possesses a judicial mind, stored with the richest of legal lore, and his services on the bench have been characterized by dignity, impartiality, and the strictest integrity. He is a most attentive listener, and to the younger members of the profession he has been not only a helpful and patient instructor, but also a source of inspiration. Kind hearted, courteous, and affable, he has won universal respect and confidence. His written opinions are models of brevity, and bear evidences of literary ability of great merit. As a citizen he is public spirited and progressive, and the embodiment of that patriotism worthy of a true New Englander. His love of justice, his unceasing faithfulness to duty, and his broad scholarship have dominated his career, and have won for him that eminence in his profession which is both merited and recognized. He received the degree of LL.D. from Harvard College in 1886 and from Dartmouth in 1888.

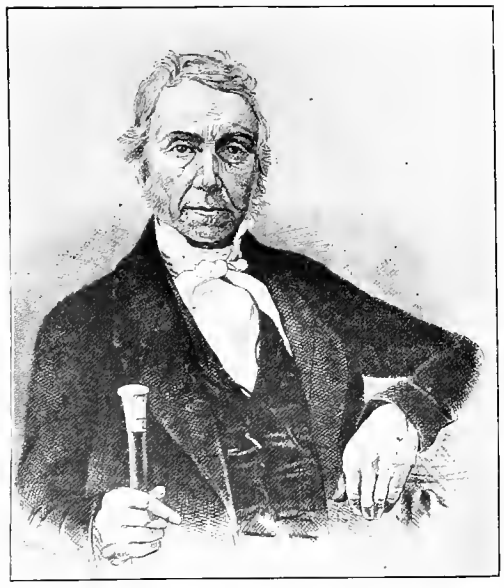
During the earlier years of his residence in Boston Judge Field took an active part in municipal affairs. He was a member of the School Board in 1863 and 1864 and of the Common Council in 1865, 1866 and 1867. In 1876 he was the Republican candidate for member of congress from the Third Massachusetts district and was declared elected; but the election was contested, and after about a year's service he was unseated. At the next election he was again a candidate from the same district, and was elected and served one term.

Judge Field was married in 1869 to Miss Eliza E. McLoon, of Rockland, Me., who died in March, 1877, leaving two children: Eleanor Louise and Elizabeth Lenthal. In 1882 he married for his second wife Miss Frances E., daughter of United States Senator Nathan A. Farwell, of Rockland, Me.

MARCUS MORTON, LL.D., Taunton, governor of Massachusetts and associate justice of the Supreme Judicial Court, was a lineal descendant of George Morton, who, as financial agent of the Pilgrims in England, purchased the Mayflower and took an active part in sending over the colony that landed in 1620. George Morton came to Plymouth himself in 1623, and married Ann Southworth, of the Mayflower company.

Marcus Morton was the son of Nathaniel and Mary (Cary) Morton, and was born in Freetown, Mass., February 19, 1784. He was graduated from Brown University in 1804,

studied law at the Litchfield (Conn.) Law School, and was admitted to the Norfolk bar in Massachusetts in 1807. The same year he settled in Taunton, Mass., where he ever afterward resided. Besides building up a large and successful law practice he took an active interest in politics, and was clerk of the Massachu-



MARCUS MORTON.

setts Senate in 1811 and 1812; member of congress two terms (1817 to 1821), and a member of the Executive Council in 1823. He was lieutenant-governor of the Commonwealth in 1824 and 1825, and in February of the latter year became acting governor. On July 5, 1825, he took his seat on the bench of the Supreme Judicial Court, having been appointed to that place by Gov. Levi Lincoln. He resigned in January, 1840, to accept the office of governor, to which he had been elected, and which he again filled in 1843. In 1845 President Polk appointed him collector of the Port of Boston, and he served in that capacity until 1848. He was a member of the Massachusetts Constitutional Convention of 1853 and of the lower house of the Legislature in 1858, and it is a noteworthy fact that his son, Marcus Morton, subsequently chief justice, served in each of these bodies from Andover at the same time.

Governor Morton was possessed of a great and ready knowledge of legal principles and precedents, and also of discrimination and admirable common sense. He was an excellent *nisi prius* judge, a man of great energy and force of character, and a citizen imbued with the loftiest patriotism and a strict sense of honor. He was not only a talented lawyer and advocate, but an able jurist and a faithful public officer. For twelve successive years while he was on the bench he was the Democratic candidate for governor, and in 1839 was elected by a bare majority of one of the popular vote, Edward Everett, the governor during the four preceding years, being his opponent. He took the oath of office January 18, 1840. Governor Morton was again elected in January, 1843, this time by the Legislature, by a majority of one over his Whig competitor. He was a strong anti-slavery advocate, and in 1848 joined the Free Soil party. For thirty years he was an overseer of Harvard College, which conferred upon him the honorary degree of LL.D. in 1840, Brown University, his alma mater, having given him the same distinguishing degree in 1826. He was a member of the Methodist Episcopal church and often a member of its diocesan and general conventions. He died in Taunton on the 6th of February, 1864.

Governor Morton was married in 1807 to Charlotte, daughter of James Hodges, of Taunton; they had three sons: Marcus, Nathaniel, and James Hodges Morton, all eminent lawyers. The former, who became chief justice, is noticed at length on another page of this work. The second, Nathaniel, died in 1856.

MARCUS MORTON, LL.D., Boston, chief justice of the Massachusetts Supreme Judicial Court from 1882 to 1890, was the eldest of three sons of Hon. Marcus Morton, associate justice of the same court from 1825 to 1840 and governor of the Commonwealth in 1840 and 1843, whose memoir appears in this work, and of Charlotte, daughter of James



MARCUS MORTON.

Hodges, his wife. He was a grandson of Nathaniel and Mary (Cary) Morton and a lineal descendant of George Morton, who came from England to Plymouth in 1623.

Chief Justice Morton was born April 8, 1819, in Taunton, Mass., where he received his early education under the tutelage of Frederick Crafts. He prepared for college at the Bristol County Academy and was graduated from Brown University in 1838. Even at this period he displayed those peculiar talents—ambition, physical force, a clear mind, intellectual energy, and decision of character—which gave him prominence among his fellows and afterward made him eminent in the law and in politics. Some of his classmates were Hon. C. S. Bradley, chief justice of Rhode Island; Hon. G. V. Lathrop, United States minister to Russia; Dr. E. G. Robinson, president of Brown University; and Rev. Alexander Burgess, bishop of the Protestant Episcopal church.

After leaving college Mr. Morton spent two years at Harvard Law School, taking the degree of LL.B., and one year in the law office of Sprague & Gray in Boston, and was admitted to the Suffolk bar July 12, 1841. He at once opened an office in Boston and soon gained recognition for ability, industry and integrity, and built up an extensive practice. In 1850 he took up his permanent residence in Andover, Mass.

He was a member of the Constitutional Convention of 1853 and of the lower house of the Legislature in 1858, representing Andover, and it is a noteworthy fact that his father also served in these bodies in the same years. In April, 1858, Governor Banks appointed him a justice of the Superior Court for the county of Suffolk, which was abolished a year later. Upon the establishment of the Superior Court of Massachusetts in 1859 he became one of its associate justices, which position he held until April, 1869, when Governor Claflin appointed him to a seat on the bench of the Massachusetts Supreme Judicial Court. In 1882 he was made chief justice, and he continued to serve in that capacity until November, 1890, when he resigned, being succeeded by Hon. Walbridge Abner Field. The advancement of Judge Morton to the head of the judicial system in the Commonwealth gave universal satisfaction. Pre-eminent ability, long and established reputation, made it, under the administration of Governor Long, one of those fortunate and admirable selections which are instantly recognized as such by the entire community. His services on the bench covered an uninterrupted period of thirty-two years, during the last eight of which he was chief justice. He resigned on account of ill health, and died February 10, 1891.

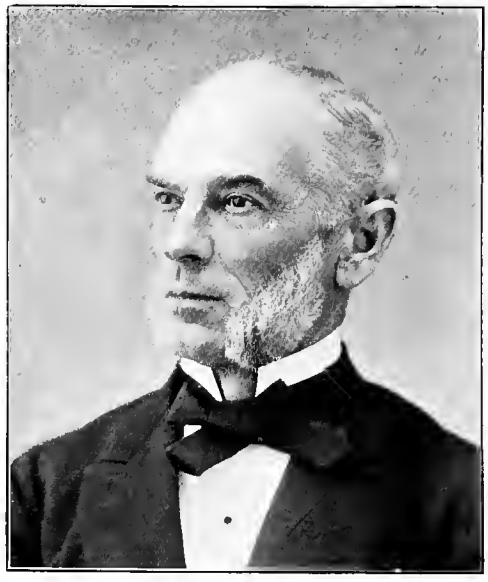
Judge Morton possessed the traits of the men who founded and peopled New England. He

was of Puritan blood, tracing his descent from George Morton, of the Plymouth colony, who married Ann Southworth, of the company of the Mayflower. During his seventeen years at the bar of Suffolk county, in Boston, he gained a high reputation. On the bench he displayed remarkable judicial ability, a direct and vigorous sense of justice, great breadth of learning, and untiring fidelity. As a *nisi prius* judge he had few superiors. He possessed a broad knowledge of criminal law, a compact yet forcible style of expression, a wise and sound judgment, and unfailing courtesy and patience. His opinions, over 1,200 in number, are contained in volumes 102 to 150 inclusive of the Massachusetts Reports, and are models of brevity, clearness and judicial learning. He received the honorary degree of LL.D. from Brown University in 1869 and from Harvard College in 1882.

Judge Morton was married October 19, 1841, to Abby B., daughter of Henry and Amy (Harris) Hoppin, of Providence, R. I., who survived him. They had six daughters and two sons, one of the latter, Marcus Morton, jr., being a prominent member of the Boston bar.

EDMUND H. BENNETT, LL.D., for more than twenty years the dean of Boston University School of Law, was born in Manchester, Vt., April 6, 1824, and died in Boston on the 2d of January, 1898. His ancestors were typical New Englanders. Hon. Milo L. Bennett, his father, was a native of Sharon, Conn., and a graduate of Yale College in the class of 1811. He studied law at the Litchfield Law School, settled in Burlington and afterward in Manchester, Vt., and served as State attorney and judge of probate. In 1838 he was chosen judge of the Vermont Supreme Court, which position he filled with distinction and ability until the judiciary system was changed in 1859, when he was appointed a commissioner to revise the statutes of the State. His wife's maiden name was Adeline Hatch.

Edmund H. Bennett was educated in his native State, first in the Manchester and Burlington Academies and subsequently in the University of Vermont, at Burlington, where he was graduated in the class of 1843, and which bestowed upon him the degree of LL.D. in 1872. For a short time after graduating he taught a private school in Virginia. This vocation, however, did not offer him the scope which his tastes as well as his talents and ambition seemed to demand, and he therefore turned his attention to the law. He pursued his legal studies in the office of his father and became a member of the bar of Vermont in 1847, but in the following year he came to Massachusetts and was admitted to the Suffolk bar July 3, 1848. Shortly afterward he removed to Taunton, Mass., where he began the active practice of his profession. While there



EDMUND H. BENNETT.

he was successively in partnership with the late Nathaniel Morton (brother of the late Chief Justice Marcus Morton, of Massachusetts), Hon. Henry Williams, Henry J. Fuller, and Fred S. Hall. In May, 1858, he was appointed judge of probate and insolvency for Bristol county and held that office twenty-five years, resigning in 1883. When the city of Taunton

was incorporated in 1865 he was unanimously elected its first mayor, and was re-elected in 1866 and again in 1867. In 1884 he took up his legal residence in Boston, but six years later returned to Taunton, to whose social, educational and religious advancement he contributed in no small degree.

The new court uniting the jurisdiction of the Probate Court and the Court of Insolvency was established in the Commonwealth of Massachusetts in 1858, and Edmund H. Bennett was one of the fourteen judges appointed. He had already acquired, though but thirty-four years of age, a high standing and a large practice at the bar, while as a law scholar and author he had achieved wide distinction. As the successor of Judge Prescott, who had endeared himself to the people of Bristol county by a service covering a quarter of a century, his task was not an easy one, but his abundant learning, dignified manners, and never failing patience won for him universal esteem and confidence, and he graced that bench with the highest ability. He was absolutely impartial, and, though always very busy, never seemed to be in a hurry. He possessed remarkable wisdom as well as great learning, and in the twenty-five years of his administration only two cases can be found in the reports in which his decision was overruled upon a mere question of law.

Judge Bennett honored the legal profession in the threefold capacity of a counselor, judge and teacher, but gained the widest reputation as an instructor and author. In this latter connection he was known personally or by name to probably every lawyer in New England for more than a generation, and also to many in almost every State in the Union. For three years from 1870 to 1872 he occupied the position of lecturer at the Law School of Harvard University in Cambridge. With the Boston University School of Law he was connected from its commencement in 1872, when he received the honor of being selected as its dean. He was unable, however, to serve in that capacity, but was a regular lecturer; in 1876 he was again elected to the deanship, which he filled until his death in January, 1898. Upon the completion of the twenty-fifth year of his service, a memorial portrait of him was hung in the law school building, largely at the expense of the alumni, the painter being Theobald Chartran, the celebrated French artist.

In the development of the science and the advancement of the practice of his profession Judge Bennett was a tireless worker. Gifted with unusual legal and literary ability, and endowed with great energy, he accomplished a wonderful amount of imperishable work. His legal works, written and edited alone or in company with others, number more than one hundred volumes, among them being the following: The first of the two volumes of Bennett & Heard's Leading Criminal Cases, the sixth edition of Story on Bailments, and the fourth edition of Story on Promissory Notes in 1856; the seventh edition of Story's Equity Jurisprudence, the sixth edition of Story's Equity Pleadings, and the fifth edition of Story's Conflict of Laws in 1857; volumes 9, 10, 11 and 12 of Cushing's Massachusetts Reports for 1856, 1857 and 1860; the third edition of Story's Commentaries on the United States Constitution in 1858; the fifth editions of Story on Partnership and of Story on Promissory Notes in 1859; the fourth edition of Story on Bills of Exchange in 1860; the Massachusetts Digest from 1804 to 1857, in company with F. F. Heard, in 1862; the seventh edition of Story on Bailments in 1863; the sixth edition of Story on Agency in 1862, the second edition of Blackwell on Tax Titles in 1864; the second edition of Leading Criminal Cases in 1869; the eighth edition of Story on Bailments in 1870; the fourth edition of Wm. W. Story on Sales in 1871; the seventh edition of Story on Conflict of Laws, and, with H. W. Holland, the Massachusetts Digest from 1857 to 1869 in 1872; Leading Fire Insurance Cases, five vols., from 1872 to 1877; the American edition of Indermaur's Principles of the Common Law in 1878; the revised edition in book form of Farm

Law (a lecture first delivered in 1878), and the American edition of Goddard on Easements in 1880; with Russell Gray and H. W. Swift the Massachusetts Digest from 1804 to 1879 in 1881; the third American edition of Benjamin on Sales in 1881; the fourth edition in 1883, the fifth edition in 1888, and the sixth edition in 1892; the ninth edition of Pomeroy's Constitutional Law in 1886. In Jones's Index of Legal Periodical Literature, published in 1888, he is credited with the authorship of fifty-nine articles in various law journals and periodicals. Afterward he published several articles in the Forum, the Law Quarterly Review, the American Law Register, the Harvard Law Review, and other law journals.

A lecture written by him, entitled "The Four Gospels from a Lawyer's Standpoint," has been frequently delivered before congregations of different religious beliefs, associations of clergymen, and other bodies.

In religious sympathy and work Judge Bennett was prominently allied to the Protestant Episcopal church; during his residence in Taunton he was for many years a warden or vestryman of St. Thomas's parish, and while in Boston he was for several years warden of St. Paul's church. He was for many years a member of the Standing Committee of the Diocese, often one of the delegates to the Diocesan Convention, and at the time of his decease a member of the Diocesan Board of Trustees for Donations. He became a trustee of the Episcopal Theological School in Cambridge in 1882 and its president in 1895, succeeding the late Hon. Robert C. Winthrop in that office. In 1874 he was one of the delegates from the Diocese of Massachusetts to the General Triennial Convention of the Protestant Episcopal church in this country, and with a single exception he served as a delegate to every succeeding General Triennial Convention down to the time of his death. He frequently officiated as a member of the convention's Committee on the Constitution and Canons.

In politics he was first a Whig, and afterwards a staunch Republican from the organization of that party. In 1891 Governor Russell appointed him chairman of the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States, and in 1896 he was appointed by Governor Wolcott as chairman of the Commission on the Revision of the Public Statutes. For many years he was a prominent member and officer of the Old Colony Historical Society, and upon the celebration of the 250th anniversary of the settlement of Taunton, in 1889, he delivered the Historical Address. In all these capacities he displayed that energy, dignity and interest which were characteristic of the man.

In concluding this brief memoir of Judge Bennett allusion may be made once more to his career as a law teacher, which brought him into personal contact with so many students of the law. He rounded out a half century of active work in his profession, and up to the last was keenly alive to the principles and interests of every branch. He was a profound and learned lawyer, but his success lay chiefly in his ability to impart his knowledge to others. He was exceptionally gifted in his command of language, yet his gifts were literary rather than oratorical. His sense of humor was irrepressible; he was a man of warm sympathies, of deep knowledge of human nature, and of the purest Christian character. During his connection with the Boston Law School more than 1200 graduates received the impress of Dean Bennett's spirit and personality. The institution owes its advancement and high standing largely to his able guidance; its graduates, scattered throughout the Union, owe their early inspiration and training to his kind and gentle manners, his wonderful ability as an instructor, and his noble, unbiased helpfulness. He had the power of stimulating his pupils, of exciting their curiosity, and of urging them to work out difficult problems, and he took a personal interest in every student under his charge.

At the memorial services in honor of Judge Bennett, held at Taunton, March 10, 1898, the

following resolutions were adopted by the Bristol county bar:

"In the death of Edmund H. Bennett our bar has suffered a grievous loss, a loss recognized and shared in by the whole community. And yet our grief at his death is mingled with joy and pride in his life. He has passed away full of years and honor and followed by the blessings of his fellow men. He was an able and conscientious lawyer. With a wonderful grasp of details he combined a profound insight into legal principles. He was not the slave of precedent, and ever sought to establish his conclusions in the spirit of justice and equity. His long service as judge of our Probate Court brought him into close relations with the pathetic and domestic side of the law, and his memory will long be cherished for his many acts of kindly courtesy, especially by those who, without counsel, sought his guidance and assistance. His industry was astounding, and demonstrated the old adage that 'Labor overcomes all things.' He not only showed the path to true success in the law, but led the way. Always affable, considerate and patient, he seemed to get the best out of others by giving them the best that was in himself.

"He sought light that he might give light. As a teacher he was not only esteemed but also loved by his pupils. His clearness and logic captivated their minds, while his simplicity and sympathy won their hearts. He was a good citizen and a good man, ever watchful to discern and zealous to promote the best interests of the community in which he lived. Strong in his convictions of right and duty, he was fearless and persistent in maintaining them both in private station and in public office. Imbued with an earnest religious faith, he was the embodiment of good-will to all. Modest yet able, studious yet not pedantic, gentle yet fearless, he has left foot-prints on the sands of time which all shall do well to follow. As a skilled advocate, wise counselor, upright judge, patriotic citizen and virtuous man he has left his lasting impress for good on the minds and hearts of his generation. To us especially, his brothers in the law, his life has been and must continue to be an inspiration and a benediction."

Judge Bennett was married in June, 1853, to Sally, the second daughter of the late Hon. Samuel Leonard Crocker, member of congress, of Taunton, Mass. His wife survives him. They had four children: Caroline, who died in infancy; Edmund Neville, who died in 1881, within a year after his graduation from Brown University; Samuel C., the dean of the Boston University Law School; and Mary B., wife of Dr. William M. Conant.

SAMUEL CROCKER BENNETT, dean of the Boston University School of Law, is the eldest surviving son of the late Hon. Edmund Hatch Bennett, LL.D., and Sally Crocker.



SAMUEL C. BENNETT.

his wife, and was born in Taunton, Mass., April 19, 1858. He attended the public schools of his native city and St. Mark's School at Southboro, Mass., and afterwards Adams Academy at Quincy, of which the late Professor William R. Dimmock was then principal. In June, 1875, he was graduated from this institution and

entered Harvard College, from which he was graduated with the degree of A. B. in 1879. While there he gave special attention to classical studies. He read law with his father, received the degree of LL.B. from the Boston University School of Law in June, 1882, and was admitted to the Suffolk bar in January, 1884. Since then he has practiced his profession in Boston, being a law partner of his father until the latter's death in January, 1898.

Mr. Bennett became an instructor in the Boston University Law School in 1882 and in 1883 was made professor and assistant dean. In 1889 he resigned the assistant deanship, but was reappointed to the position in 1891, and upon the death of his father became acting dean of the institution. He was elected dean in July, 1898. In the general practice of his profession he has gained a prominent place at the bar, and as a law teacher he has won a good reputation. He was one of the editors of the ninth American Edition of Smith's Leading Cases, and of the latest edition of Benjamin on Sales, and has done other legal work of similar character. He has been a member of the Boston Bar Association for some years. In politics he is an independent and in religion an Episcopalian.

On September 9, 1885, he married Miss Amy R., daughter of Hon. Edward Isaiah Thomas, of Brookline, Mass.

SOLOMON LINCOLN, Boston, is descended from one of the oldest and most respected families of Hingham, Mass., where he was born August 14, 1838. In 1636 house lots were granted in that place to Thomas Lincoln, the Miller, Thomas Lincoln, the Weaver, and Thomas Lincoln, the Cooper. In 1638 Thomas Lincoln, the Husbandman, and his brother, Stephen Lincoln, were given similar grants, and in 1644, the name of Daniel Lincoln appears on the town records. Samuel Lincoln, brother of the weaver, came to this country in 1637 and settled in Hingham; and from him descends the subject of this sketch. These men all came from Hingham, England.

Among the noted descendants of Samuel Lincoln were Levi Lincoln, attorney-general of the United States and lieutenant-governor and acting governor of Massachusetts; Levi Lincoln, jr., his son, for nine years governor of Massachusetts; Enoch Lincoln, another son, governor of Maine, and also Abraham Lincoln, the late president of the United States. Samuel Lincoln, the immigrant, had sons Samuel, Daniel, Mordecai and Thomas, and died May 26, 1690. Samuel Lincoln, jr., who died in March, 1721, was a soldier in King Philip's war. He married Deborah, daughter of William Hersey, of Hingham, and among their several children was Jedediah, who was born October 2, 1692, and married Bethiah, daughter of Enoch Whiton, of Hingham, and died September 23, 1783. Enoch Lincoln, son of Jedediah, was the father of Governors Levi and Enoch, just mentioned, and also the father of William Lincoln, who was born August 15, 1729, married Mary, daughter of Ephraim Otis, of Scituate, and died November 17, 1792. They had several children, among them Rev. Henry



SOLOMON LINCOLN.

and Solomon Lincoln. The latter was born in August, 1767, married Lydia, daughter of Jesse and Abigail (Barnes) Bates, of Hingham, and died December 21, 1831. Their son, Solomon Lincoln, was born February 28, 1804, was graduated from Brown University in 1822, and became a prominent lawyer, but spent the latter part of his life as cashier and subsequently as president of the National Webster Bank of Boston. He was a member of both branches of the Massachusetts Legislature, a bank commissioner, and a United States marshal, and died in 1881. He married, November 13, 1837, Mehitable Lincoln, who was born December 1, 1808. Jesse Bates, above mentioned, was a Revolutionary soldier, as were also Welcome Lincoln and Nathaniel Gill, two of Mr. Lincoln's ancestors. Lydia Bates, daughter of Jesse, descended from Richard Warren, who came over in the Mayflower, and from Robert Bartlett, who arrived in the ship Ann in 1623.

Solomon Lincoln, it will be seen, is in the eighth generation from Samuel Lincoln, one of the earliest settlers of Hingham, where descendants have ever since resided. He obtained a good preparatory education at Derby Academy in his native town, and in the Park Latin School of Boston, under the direct tutelage of Prof. E. W. Gurney, one of the most noted teachers of his day. In 1854 he entered the sophomore class of Harvard University and was graduated therefrom with first honors in 1857, delivering the valedictory address. While in college he became especially proficient in the classics and mathematics, and in the spring of 1858 was appointed Harvard tutor of Greek and Latin. Later he was made tutor of mathematics, and while filling these positions took up the study of law at the Harvard Law School, from which he received his degree of LL.B. in 1864, having spent a portion of the preceding year in Europe. He also read law with Stephen B. Ives, of Salem, was admitted to the bar in the autumn of 1864, and was associated with Mr. Ives in practice until 1881, first under the style of Ives & Lincoln and afterward as Ives, Lincoln & Huntress. The firm soon opened an office in Boston, where Mr. Lincoln rapidly gained a high standing for his ability and industry. From 1881 to 1896 he practiced alone, and since then he has had as a partner Walter I. Badger, the firm name being Lincoln & Badger.

Mr. Lincoln successfully built up a large general practice, which has developed within recent years into the more specific departments of railroad and corporation law and of the law of trust companies. He is one of the ablest and strongest members of the Boston bar, and in many respects a recognized leader. As a counsellor and advocate he has few superiors. His brilliant intellectual qualities, his excellent judgment and common sense, and his wonderful faculty for clearly presenting the facts make him a power in the courts and before juries. He possesses a profound knowledge of jurisprudence, particularly of that branch relating to corporations, in which he has had much experience. For several years he was the general counsel of the Boston and Maine Railroad, and since 1888 he has been the solicitor of the Boston Safe Deposit and Trust Company. He has also acted as counsel for various other railroad and financial corporations, and is a director of the trust company just named and of the National Bank of the Commonwealth. He is a consistent Republican, but has never been active in politics nor accepted public office. He was president of the Boston Bar Association for two years.

In 1882 he was elected one of the Overseers of Harvard University and since 1890 has served as president of the board. He is also president of the trustees of the Boston Public Library, president of the Union and St. Botolph Clubs, vice-president of the University and Unitarian Clubs, and a member of the Massachusetts Historical Society, the American Antiquarian Society, the New England Historic-Genealogical Society, the Bostonian Society, the Bunker Hill Monument Association, the Somerset and Country Clubs, the Century and Harvard Clubs of New York, and the South Congregational (Unitarian) church. In

1874 and 1879 he was a member, with rank of colonel, of the governor's staff.

Among his public addresses may be mentioned the one delivered at the 250th anniversary of the settlement of the town of Hingham, which appropriately crowned a similar effort of his father's just fifty years before. Mr. Lincoln is an energetic, progressive and public spirited man, and has achieved eminence in both professional and civil life. Springing from several noted New England families, he, by his own ability and industry, gained a most enviable reputation, and worthily represents a substantial and honored ancestry.

He was married February 15, 1865, to Ellen Brown Hayden, daughter of Lieutenant-Governor Joel Hayden, of Haydenville, Mass. She died March 18, 1897, leaving one daughter, Bessie.

RICHARD OLNEY, Boston, has not only achieved eminence at the bar of New England, but has won distinction in the councils of the nation. In the twofold capacity of lawyer and statesman he is probably better known than any other man within the territory ascribed to this work. He is descended from Thomas Olney, who came from St. Albans, Hertford, England, and settled in Salem, Mass., in 1635.* Fearless and independent in his belief, this Thomas Olney was a trusted adherent of Roger Williams, and when, in 1637, the latter was disciplined and excommunicated by the ecclesiastical rulers of Massachusetts Bay he shared his pastor's sentence and expulsion. He became one of the founders in 1637–38 of the Rhode Island and Providence Plantations and also of the Baptist church in America. His descendants form one of the great families of Rhode Island to-day. One of them, Richard Olney, born in Smithfield, R. I., in 1770, became a leading merchant in Providence and one of the pioneers in cotton manufacturing in New England. In 1811 he established cotton mills at East Douglas, Worcester county, Mass., and in 1819 removed to Oxford, in the same county, where he became a prominent merchant, cotton manufacturer, and citizen, holding several offices of trust. Afterward he removed to Burrillville and died in 1841. His eldest son, Wilson Olney, born in Providence, R. I., January 10, 1802, was for many years a leading resident of Oxford, being active in the management of the Oxford Bank and long a manufacturer of woolen goods. He died February 24, 1874, universally respected and honored. His wife, Eliza L., was a daughter of Peter Butler and a granddaughter of James Butler, both of Oxford. James Butler's wife was Mary Sigourney, whose great-grandfather, Andrew Sigourney, a French Huguenot, fled from France at the Revocation of the Edict of Nantes and was the most active man in the settlement of Oxford by the Huguenots in 1687. Wilson Olney and Eliza L. Butler had four sons: Richard Olney, the subject of this sketch; Peter Butler



RICHARD OLNEY.

Olney, a prominent member of the New York bar; George W. Olney, a leading woolen manufacturer of Worcester county, Mass., who died February 28, 1894; and Frederick A. Olney; and also one daughter, Gertrude, wife of Hon. Eben S. Stevens, of Quinebaug, Conn.

Richard Olney was born in Oxford, Mass.,

September 15, 1835, and received his preparatory education at Leicester Academy. He was graduated from Brown University with high honors in 1856, and then entered Harvard Law School, where he took his degree of LL.B. in 1858. In 1859 he was admitted to the Suffolk bar. His prominence in the law began while he was a student in Harvard Law School, where he was picked out by his instructors "as a young man of uncommon good judgment, of trained methods of thought, and of unusual acumen." It has been said of him that "as a student his industry fairly amounted to a rapacity of learning." Immediately after his admission to the bar he entered the office of Judge Benjamin F. Thomas, of Boston, whose daughter, Agnes Park Thomas, he married on the 6th of March, 1861. An appreciative sketch of Mr. Olney which appeared in the Green Bag for June, 1893, contains the following description of his early career:

"From the time he entered Judge Thomas's office until the judge's death twenty years afterward the relations of these two men, both professionally and otherwise, were very close. They were constantly employed together in the same cases, and as the younger man matured he grew to be more and more his elder's associate rather than his junior. There was a sympathy and congeniality of mind in both men that produced striking results in the preparation and presentation of their cases."

Mr. Olney's practice led him into the law of wills and estates and the law of corporations, and upon both he is a recognized authority. In his younger days he was an admirable trier of causes and a most forceful advocate. His clearness of perception, his soundness of intellect, his judicial quality of mind, and his profound knowledge of the law gave him special advantages in leading his clients to a safe and sure position; and to his remarkable force of intellect is combined indefatigable industry, a splendid physical constitution, promptness and thoroughness. His preparation of cases is always complete in every detail, and his breadth of view is comprehensive. His honesty and fairness are universally recognized; his judicial temperament is thoroughly appreciated; his ultimatum is generally accepted. As a chamber lawyer he has gained an enviable reputation. He is a close student, an omnivorous reader of all kinds of literature, and a man of the utmost simplicity of character, hating all shams and avoiding display. He possesses those great legal qualities that win universal admiration. As a junior his accumulation of facts and marshalling of evidence gave his seniors unlimited confidence; his faultless logic and ingenuity of mind could always be depended upon. As senior counsel he has displayed those same qualifications; his kindness, courtesy and patience toward his younger associates have been unfailing. In late years his practice has been that of adviser of great corporate and commercial interests and in the settlement of estates, which has seldom brought him into court. The sketch before referred to also contains this extract:

"In his presentation to the court of a question of law he is not excelled by any lawyer in New England. His logic is clean-cut, his diction is wonderfully pure, his rhetoric is always perfectly adapted to the subject. His power of condensation is remarkable; his delivery with a well modulated voice and clear enunciation is most convincing. He has more than once been offered a place upon the Supreme Judicial Court, but always declined, preferring to remain at the bar."

Mr. Olney was born and raised a Democrat of the John Quincy Adams class, and has always adhered to that school of politics. He served one year in the lower house of the Massachusetts Legislature and in 1876 was the Democratic candidate for attorney-general of the Commonwealth. But he has never sought public office. After thirty-five years of assiduous devotion to the law he became, on March 6, 1893, attorney-general of the United States in President Cleveland's cabinet. In this responsible position he more than fulfilled the prophecies of his most ardent admirers, and proved himself to be a statesman of great abil-

ity and power. Among the many documents which came from his hands, and which had a potent influence on the immediate and future affairs of the government were the following: A letter transmitting to Congress the draft of a bill to reorganize the Union Pacific Railway Company, and to readjust and secure the claims of the United States against said company, Executive Doc. No. 203, April 26, 1894; oral argument before the U. S. Supreme Court, October term, 1894, in the habeas corpus proceedings against Eugene V. Debs et al., petitioners, which grew out of the Chicago strike; a similar argument at the same term on the rehearing of the cases of Charles Pollock vs. the Farmers' Loan and Trust Company et al., and Lewis H. Hyde vs. The Continental Trust Company of the city of New York et al. (first hearing reported in full in 157 U. S. Reports, 499), which involved the constitutionality of the income tax law; some suggestions submitted, as *amicus curiae*, by express leave of the court, in the equity case of Thomas C. Platt vs. Philadelphia and Reading Railroad Co. et al., as to the legality and propriety of labor organizations, U. S. Circuit Court, Nov., 1894; and a communication suggesting changes in a proposed act concerning carriers engaged in interstate commerce and their employees, known as the labor arbitration bill, January, 1895. His promptness and thoroughness in enforcing the law during the celebrated "Pullman strike" in 1894 made him many friends throughout the country.

On June 10, 1895, Mr. Olney became secretary of state, and in this capacity served during the remainder of President Cleveland's second administration, resuming the practice of his profession in Boston, in March, 1897. As secretary of state he is credited with accomplishing, in less than two years, more than any other man during a similar period. He collected the long standing Mora claim from Spain, amounting to $1,500,000. He was prominent and active in Cuban affairs, insisting upon the rights of American citizens and American interests to protection. He inaugurated the system of civil service examinations for applicants for consular places. He was especially influential in the general arbitration treaty matter with Great Britain in January, 1897. This and his connection with the Venezuelan boundary question, as reported in the "Foreign Relations of the United States" for 1895 and 1896, brought into exercise his great statesmanship and strong legal qualities, and stamped him as a master of international law.

As attorney-general and secretary of state he was a dominating influence in the cabinet, and positively impressed his own powerful individuality upon events of both domestic and international import. He is a good diplomat and a brilliant conversationalist, possessing a keen sense of honor and a gift for trenchant characterization, and altogether he is one of the most prominent New Englanders which his generation has produced.

TYLER BIGELOW, Watertown, was descended from John Bigelow, born in 1617, who was married October 31, 1642, to Mary Warren, and the same day settled in Watertown, Mass. This original American ancestor was the father of thirteen children, of whom all but two survived him. His first wife, Mary, died October 2, 1691, and just three years later, at the age of seventy-seven, he married Sarah, eldest child of Joseph Bemis. He died July 14, 1703. Among his descendants was Daniel Bigelow, a soldier in the old French wars, who died at the age of ninety-two, having seen his sons David and Timothy honorably distinguished in the Revolutionary annals of Massachusetts. David Bigelow, of Worcester, the elder, was born in 1730, and was a member of the Committee of Public Safety, of every convention within his county, and of the Province and State conventions at Concord, Cambridge and Boston, from the first measures of defense in 1774 to the presidency of Washington in 1789. He married Deborah Heywood and had seven children, the youngest being Tyler Bige-

low, who was born in Worcester, Mass., August 13, 1778.

Tyler Bigelow received his preparatory education at the Worcester High School and was graduated from Harvard College with honors in 1801, having entered that institution as a freshman in 1797. He read law in Groton, Mass., with his cousin, Hon. Timothy Bigelow, a prominent lawyer and Federalist, who served as representative from Groton from 1792 to 1797 and 1804 to 1820, as senator from 1798 to 1801, as councillor in 1802 and 1821, as speaker of the House in 1805, 1808, 1809, and 1812 to 1819 inclusive, and as a commissioner for settling the boundary between Massachusetts and Connecticut and for the disposition of the public lands, and also as colonel of the 15th Mass. Regt., in the Revolutionary war, his conspicuous service in this connection being recalled by a monument erected to him on Worcester Common.

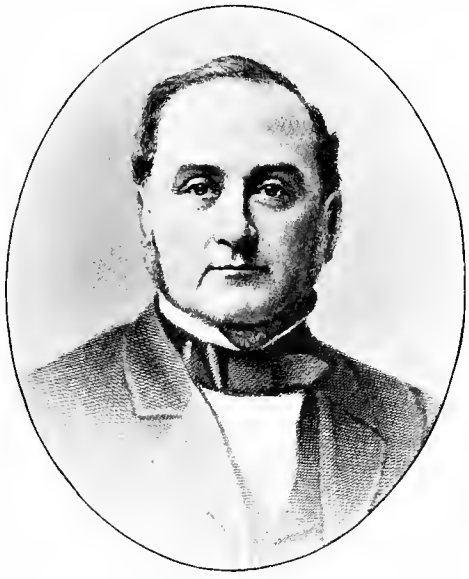
Tyler Bigelow was admitted to the bar in the spring of 1804 and began practice in Leominster, Worcester county. In December of the same year he removed to Watertown, Mass., where he succeeded to the practice of William Hunt, deceased. He soon became county magistrate, rose to a high position at the Middlesex bar, and for nearly forty years continued in the faithful and energetic discharge of professional work. Though keenly interested in political affairs, the support and education of a large family prevented his acceptance of public honors, which more than once were offered to him. He delivered an occasional oration or lyceum lecture, but otherwise neither sought nor cared for public distinction. During the later years of his life he was very deaf, but he was ever a ready listener and always took a deep interest in the affairs of his town, Commonwealth, and nation. He died May 23, 1865, and founded, by a proviso of his will, the scholarships at Harvard which bear his name.

Mr. Bigelow was married November 26, 1806, to his cousin, Clara Bigelow, daughter of Col. Timothy Bigelow, of Worcester, Mass. She died in 1846, at Riverside, on the north bank of the Charles River, which he had purchased in 1808. They had eight children, of whom four sons were graduates of Harvard and one, Charles Henry, of West Point. The latter became captain of engineers in the U. S. military service and died at New Bedford in 1862. Another son died in infancy. The other two children were daughters. Mr. Bigelow married for his second wife Mrs. Harriet Lincoln Whitney, daughter of Abraham Lincoln, of Worcester, December 15, 1847. She died in 1853.

GEORGE TYLER BIGELOW, LL.D., Boston, associate justice of the Supreme Judicial Court of Massachusetts from 1850 to 1860 and chief justice until 1867, was the son of Tyler and Clara (Bigelow) Bigelow, and a lineal descendant of John Bigelow, and was born at Riverside, Watertown, Mass., October 6, 1810. (See sketch of Tyler Bigelow for history of ancestors.)

He was sent in 1819 to the Boston Latin School, where he soon distinguished himself as a diligent, studious, and ambitious scholar. In 1825 he entered the freshman class of Harvard College and was graduated in 1829. In the following November he became principal of the Brookville Academy in Maryland, which position he filled until the spring of 1830, when he accepted an offer as tutor to the children of Henry Bloomsbury, in the same State, with whom he subsequently carried on an interesting correspondence. He returned home in 1831 and began the study of law in his father's office, which he continued, from the summer of 1833, in the office of Charles G. Loring, of Boston. He was admitted to the bar before the Court of Common Pleas, at East Cambridge, January 9, 1834, and began active practice with his father, then a very busy country lawyer. In June, 1835, he opened an office in Boston, where he soon gained a reputation for ability and industry. In May, 1837, he was elected ensign of the New England Guards, a popular company in the city militia, which he com-

manded in the historic Broad street riot, and of which he was chosen captain in January, 1839. Being elected a representative in the following November he took his seat in the Legislature in January, 1840, and by four re-elections served in the lower house for five years. During the second session he was house chairman of the joint committee on manufactures, and thereafter maintained his rank as an earnest and active leader of the young Whigs. He also



GEORGE TYLER BIGELOW.

continued his interest in military matters, and in 1841 was chosen colonel of the Boston regiment of infantry, which position he held for three years, infusing into the organization "an efficiency, promptness, and thoroughness which was never reached before."

In 1843 Mr. Bigelow formed a law partnership with Manlius S. Clarke, and, devoting himself to the business of a jury advocate, soon acquired a lucrative practice. One of his first cases at this time was the defense of Abner Rogers, a convict, for the murder of the warden of the State prison. He was elected State senator from Suffolk county in 1846 and again in 1847, and in March, 1848, resigned his seat to accept the appointment by Governor Briggs as judge of the old court of Common Pleas. Previous to this he had served Governor Briggs as chief aide for several years. In October, 1850, the Whigs nominated Judge Bigelow as their candidate for Congress, an informal ballot in the convention resulting in a clear majority of ten votes over every other aspirant for the honor; but to the surprise and disappointment of his supporters the judge, influenced wholly by family considerations, then withdrew his name. In this act he decided more wisely than he knew, for almost immediately afterward Governor Briggs appointed him an associate justice of the Supreme Judicial Court to fill the vacancy caused by the resignation of Judge Samuel Sumner Wilde, who had just ended the longest judicial service in the history of the Commonwealth, having been appointed in 1815. Judge Bigelow took the oath of office November 21, 1850, and discharged the duties of his position with eminent ability and universal satisfaction until September 7, 1860, when he was appointed by Governor Banks chief justice to succeed Hon. Lemuel Shaw, who had resigned after a service in that exalted capacity of thirty years.

Judge Bigelow became unrivalled in the quickness and accuracy of his rulings on evidence, and so increased his reputation in the trial of jury causes that it was said of him in his life as well as after his death that "sitting as a judge at *nisi prius* he has never had his equal, for he brought to his position a readiness, a vigilance, and an acuteness of comprehension, together with a perfect knowledge of the relations which every fact bears to every other fact, which placed him in the foremost rank of jurists." He also achieved distinction in the equity branch. As chief justice he officiated with great dignity, courtesy and ability, and bore with ease the larger responsibilities of his position. On December 31, 1867, he resigned his commission, much to the regret of the bar, whose members to the number of three hundred signed petitions urging him to remain in office. Afterward he was actuary to the Massachusetts Hospital Life Insurance Company until his death, which occurred at Boston on the 12th of April, 1878.

His judicial opinions, published in thirty-eight volumes of the Reports are models of lucid statement, and are among the best contemporary exposition of legal principles. His enduring monument is the opinion of the court, which he delivered, in the famous case of Brattle Square church vs. Grant, 3 Gray, 142. He brought to the administration of justice many military characteristics, and did much to keep the law settled and the counsel of the court united. He was a Fellow of Harvard College at the time of his death and a member of the Massachusetts Historical Society from February 10, 1859.

Judge Bigelow was married November 5, 1839, to Anna, daughter of Edward Miller, of Quincy, Mass. He had four children, all of whom survive him.

LEWIS STACKPOLE DABNEY, Boston, is the son of Frederick and Roxana (Stackpole) Dabney, and was born at Fayal, Azores, December 21, 1840. He is descended from Robert d'Aubigne, a prominent French Huguenot, who emigrated to Boston, Mass., and subsequently anglicized the name into Dabney, both forms appearing on the early records of King's Chapel. His great-grandfather, Charles Dabney, of Boston, finally removed to Killingly, Conn., and died there. His grandfather, John Bass Dabney, whose lineage is traced on his mother's side to John Alden, of the Plymouth colony, was born on Milk street, Boston, and for many years after about 1805 was United States Consul to Fayal, in the Azores, where Frederick was born. Frederick Dabney became vice-consul at that place, and died there in 1857. His wife, Roxana, was the daughter of William Stackpole, a leading citizen of Boston, and the descendant of an old and respected family.

Mr. Dabney received a thorough preparatory education under private tutors in Fayal, his instructors being Lucius Henry Buckingham, '51, deceased, Thomas Jackson Lothrop, '54, now of Taunton, Mass., and the late Roland Crocker Shaw, '56, all graduates of Harvard. In September, 1857, he entered Harvard University, from which he was graduated in 1861. While in college he developed a special fondness for Latin and general mathematics, both of which he easily mastered. Upon graduating he began the study of law in the offices of Hon. Horace Gray and Charles F. Blake, and on November 13, 1862, while still a student, was commissioned second lieutenant in the 2d Mass. Cav. On the 9th of February, 1863, he was



LEWIS S. DABNEY.

promoted to first lieutenant, and about the same time, in that month, was admitted as an attorney and counselor to the Suffolk bar. After passing his examination he returned to his regiment and on February 5, 1864, was commissioned captain. From May of that year until he resigned and was honorably discharged January 7, 1865, he was a member of the staff of Gen. Christopher C. Augur. As a soldier and officer Captain Dabney won the respect and confidence of his men and his superiors, and was distinguished for his bravery, promptness and courage.

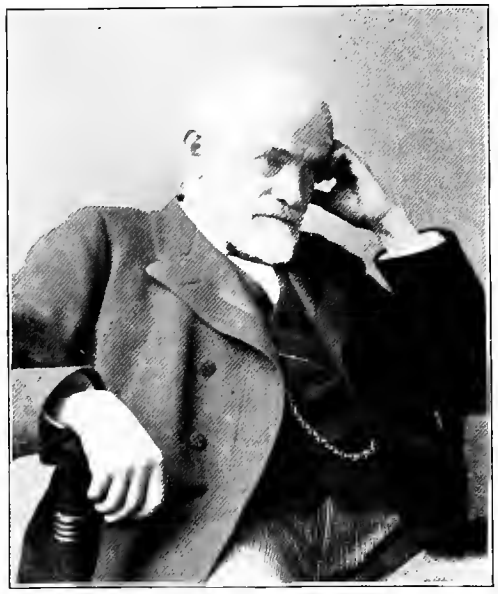
Returning to Boston, after an honorable service at the front, he entered upon the active practice of his profession, in which he has

achieved a high reputation. His business has been largely in the courts and before juries, and has embraced all branches of law. His power in the examination of witnesses, his ability as an advocate, and his profound knowledge of legal science are widely recognized. As a trial lawyer he has few superiors. He is a wise counselor and a forceful speaker, and in conducting and summing up a case strikes unerringly at the facts. Endowed with keen discrimination and oratorical ability of a high order he is an excellent pleader, and his forensic achievements are numbered by the score. Among the many cases with which he has been connected was that of the Commonwealth vs. Leavitt Alley, in which he was associated with Gustavus A. Somerby as counsel for the defendant. This was a celebrated murder trial, and came before the court in February, 1873. He was counsel for the defendant in the hard-fought libel case of Raymond vs. Russell, in March, 1888, and also counsel for the Subway Commission in the memorable Boylston street explosion proceedings. He was also counsel against the will in the Wright will case, 1881, and for the will in the Codman will case, 1887–88, and the Searles will case, 1891–92.

For six months in 1866 Mr. Dabney was assistant United States attorney under Hon. Richard H. Dana, with whom he had an office for many years prior to his retirement from practice. In politics he is a Republican and in religion a Unitarian. He was elected vice-president of the Bar Association of the city of Boston in the autumn of 1896, and after the death of George A. Shattuck in February, 1897, acted as president until October following, when he was chosen to that office, which he now holds. He is a member of the Military Order of the Loyal Legion of the United States, the Somerset Club, the Exchange Club, the Boston Athletic Association, and the Essex Institute, and vice-commodore of the Beverly Yacht Club. He is not only one of the leaders of the Boston bar, but also a public spirited and enterprising citizen, and a man who is universally respected and esteemed.

He was married April 22, 1867, to Clara, daughter of the late George Tyler Bigelow, chief justice of the Supreme Judicial Court of Massachusetts. They have three children living: Frederick Lewis, Caroline Miller and George Bigelow.

JOHN CODMAN ROPES, LL.D., Boston, is of New England parentage and descent, his paternal ancestor having settled in Salem, Mass., about the middle of the 17th century. The Codman family, of which his mother was a member, came to Charlestown about the same time. William Ropes, his father, who was born in Salem in 1784, became a prominent Boston merchant and the founder of the well known house of W. Ropes & Co., which is still in existence in New York and St. Petersburg. He had large foreign interests, especially in Russia,



JOHN C. ROPES.

and it was while he was residing in St. Petersburg that his son, the subject of this sketch, was born. He died in Boston on the 11th of March, 1869, universally respected and esteemed. In 1811 he married Martha Reed, of Marblehead, who died leaving several children. His second

wife, whom he wedded in 1832, was Mary Anne, daughter of Hon. John Codman of Boston.

John C. Ropes was born in St. Petersburg, Russia, April 28, 1836, and accompanied his parents on their return to Boston in 1842. He received a thorough preparatory education at Chauncy Hall School and under the private tutelage of Professor Goodwin, the present Greek professor at Harvard, with whom he studied two years. He was graduated from Harvard University in 1857, having as classmates Gov. John D. Long, Solomon Lincoln, Robert M. Morse, and Robert D. Smith, all eminent members of the Boston bar, the Rev. Joseph May, of Philadelphia, son of the late Rev. Samuel J. May, the noted Abolitionist and Unitarian minister and other well known men. While in college Mr. Ropes became a member of the Phi Beta Kappa fraternity, and in 1897 his alma mater conferred upon him the honorary degree of LL.D. He was graduated from the Harvard Law School with the degree of LL.B. in 1861, and continued his legal studies in the office of Chandler & Shattuck, in Boston, being admitted to the Suffolk bar in November of the same year. He immediately began the active practice of his profession, and in October, 1865, formed a copartnership with John C. Gray, jr., a graduate of Harvard in 1859 and now (1898) a professor in the Harvard Law School. The firm of John C. Ropes & John C. Gray, jr., continued until 1878, when it was changed to Ropes, Gray & Loring by the addition of William Caleb Loring, Harvard, 1872. The other partners at the present time are Robert S. Gorham, Harvard, 1885; Roland W. Boyden, Harvard, 1885; and Thomas Nelson Perkins, Harvard, 1891.

Mr. Ropes's practice from the start has been of a general character, and has frequently brought him into court. Much of his time of late years has been spent as managing trustee for large property interests. From 1869 to 1871 he served as assistant United States attorney for the District of Massachusetts. He is the author of "The Army under Pope," in the Scribner Series of Campaigns of the Civil War, and of the "Campaign of Waterloo," which was published with an atlas by the Scribners in 1893, and is now at work upon the "Story of the Civil War," in four volumes, the first of which was brought out by the Putnams in 1895. In 1885 he gave a series of lectures on "The First Napoleon," before the Lowell Institute, which were published immediately afterward by Houghton, Mifflin & Co. In 1868 he was elected a member of the third (civilian) class of the Military Order of the Loyal Legion of the United States. He is also a member of the Massachusetts Historical Society and of the Military Historical Society of Massachusetts, a Fellow of the American Academy of Arts and Sciences, an honorary member of the Royal Artillery Institution of Woolwich, England, an honorary member of the United States Cavalry Association and of the Eleventh Corps Association. He has been a member of the Union Club of Boston since 1864, and is also a member of the Puritan and St. Botolph Clubs of the same city. In 1878 he was appointed by President Hayes a member of the Board of Visitors of the Military Academy at West Point. He has been a vestryman of Trinity church, Boston, since 1864. In politics he is an independent Republican. He is unmarried.

HORACE GRAY, LL.D., Boston, associate justice of the Supreme Court of the United States, is the son of Horace and Harriet (Upham) Gray, and was born in Boston, Mass., March 24, 1828. His grandfather, William Gray, was born in Lynn, Mass., June 27, 1750, and died in Boston on November 3, 1825, after amassing a large fortune as a merchantman of the seas. At one time he had sixty square-rigged vessels in his service. He became a prominent citizen of Boston, was elected State senator, and in 1810 became lieutenant-governor. His wife, Elizabeth Chipman, was specially noted for her unselfish and generous efforts for the alleviation of the condition

of the poor. They had a son, Francis Calley Gray, whose memory is held in high regard for his bequests to Harvard College. Horace Gray, another son, was graduated from Harvard in 1819 and became a prominent citizen of Boston, who was conspicuous for his activity in the promotion of public improvements. In 1827 he married Harriet, daughter of Phineas Upham, of Brookfield, Mass., and they were the parents of the subject of this article.



HORACE GRAY.

Justice Horace Gray was graduated from Harvard College in 1845, in the same class with Prof. George P. Bond, Charles M. S. Churchill, Charles P. Curtis, Thomas A. Watson, and others. After making an extended European trip he entered the Harvard Law School, from which he received the degree of LL.B. in 1849, and afterward he continued his legal studies in Boston in the office of the late Judge John Lowell. He was admitted to the Suffolk bar February 14, 1851, and at once began active practice in Boston, where he rose rapidly in the profession. From 1854 to 1861 he was reporter of the decisions for the Massachusetts Supreme Judicial Court, and during that period published sixteen volumes of Reports. Meanwhile, in 1857, he formed a law partnership with the late Hon. E. Rockwood Hoar, and in that connection became a recognized leader. On August 24, 1864, he was appointed by Governor Andrew an associate justice of the Supreme Judicial Court of Massachusetts, and on September 3, 1873, he was elevated to the chief justiceship to succeed Chief Justice Reuben Atwater Chapman, deceased. Among Justice Gray's more important decisions on that bench were those in relation to ancient grants and boundaries, the effect of war on private rights, the annexation of towns, the law of charities, and the liability of municipal corporations to private action.

On December 20, 1881, Judge Gray was appointed by President Arthur to succeed Justice Nathan Clifford, deceased, as associate justice of the Supreme Court of the United States, which exalted position he still occupies. His seventeen years of experience on the Supreme bench of Massachusetts fitted him in an eminent degree for the duties of the highest tribunal in the land. In character, in learning, in robust mental vigor, and in imposing presence, no one of the great men who have sat in that court excelled Justice Gray, and his appointment received unusual commendation throughout the country. It was known that as far as lay in his power the great interests which come before the United States court would be jealously and ably guarded. His influence has been largely exerted in support of a high exercise of Federal authority.

In his judicial utterances and written opinions Justice Gray expresses himself with great clearness and strength, and supports his conclusions with the best authority. His most notable deliverances on the bench of the United States Supreme Court relate to conflict of laws, the constitutionality of mill acts, the interpretation of wills, exemption of United States property from taxation by a State, etc. He received the honorary degree of LL.D. from Harvard in 1871.

JOHN CHIPMAN GRAY, A. M., LL.D., Boston, was born at Nonatum Hill, Brighton (now a part of Boston), Mass., July 14, 1839, and is a brother of Horace Gray, associate justice of the United States Supreme Court. His father, Horace Gray, who was graduated from Harvard in 1819, was conspicuous for his activity in the promotion of public improvements, and was the brother of Francis C. Gray, and John C. Gray, who made various generous bequests to Harvard College, in memory of which the college named one of its buildings Grays' Hall. His grandfather, William Gray, who died in 1825, amassed a large



JOHN C. GRAY.

fortune as a merchantman of the seas, having at one time as many as sixty square-rigged vessels in his service; he became a prominent citizen of Boston, was elected State senator, and in 1810 and 1811 served as lieutenant-governor; his wife, Elizabeth Chipman, was specially noted for her generous and unselfish efforts for the alleviation of the condition of the poor. Sarah Russell Gardner, wife of Horace Gray, sr., and mother of the subject of this article, was the daughter of Samuel P. Gardner, a graduate of Harvard in the class of 1786.

John C. Gray was graduated from Harvard College with honors in 1859. He received the degree of LL.B. from the Harvard Law School in 1861 and continued his legal studies in the offices of his brother Horace and Wilder Dwight, and of Chandler & Shattuck, and was admitted to the Suffolk bar September 18, 1862. The same year he joined the Union army as second lieutenant in the 41st Mass. Vol. Inf., which subsequently became the 3d Mass. Vol. Cav., and served as aide-de-camp on the staff of Major-Gen. George H. Gordon. In 1864 he was appointed major and judge advocate, U. S. V., and served on the staffs of Major-Gen. John G. Foster and Major-Gen. Quincy A. Gillmore. At the close of the war he resigned his commission and returned to Boston, where he immediately began the active practice of his profession as a partner of John C. Ropes, a graduate of Harvard in the famous class of 1857, and one of the best known military writers in the country. The firm of Ropes & Gray afterward became Ropes, Gray & Loring by the addition of William Caleb Loring, who was admitted to the bar of Suffolk county in 1875, and this copartnership still continues, Robert S. Gorham, Roland W. Boyden and Thomas Nelson Perkins being also members of the firm.

Mr. Gray is one of the ablest and most eminent members of the Boston bar. To the duties of counselor and advocate he brought a well-balanced and well-trained mind, an unerring judgment, a broad and comprehensive knowledge of the law, and native ability of a high order; and to these intellectual qualifications should be added rare judicial attainments, great literary talent, and indomitable industry. With Mr. Ropes he edited the American Law Review during the first four years of its existence. He is the author of three valuable law works, namely, "Restraints on the Alienation of Property," published in 1883 and revised and republished in 1895; "Rule Against Perpetuities," published in 1886; and

"Collections of Cases on Property," in six volumes, issued between 1888 and 1892. He lectured in Harvard Law School from 1867 to 1870, and in 1875 was appointed Story professor of law, which position he held until 1883, when he was transferred to the Royall professorship, which he has since filled with eminent ability. He is also at the present time (1898) a commissioner appointed by the governor of the Commonwealth to secure uniformity in State and National legislation.

Mr. Gray received the degree of A. M. from his alma mater in course and the honorary degree of LL.D. from Yale College in 1894 and from Harvard in 1895. He is a trustee of the corporations of the Boston Atheneum and Social Law Library, and a member of the Massachusetts Historical Society, of the American Academy, the Massachusetts Military Historical Society of Boston, the Military Order of the Loyal Legion of the United States, of the bar of the United States Circuit and Supreme Courts, and of the American Bar Association. He has also been a member of the Bar Association of the city of Boston since 1877.

He was married June 4, 1873, to Anna S. L. Mason, daughter of the Rev. Charles Mason, D.D., of Boston, and granddaughter of Jeremiah Mason, and has a son, Roland Gray, and a daughter, Eleanor L. Gray. The former was graduated from Harvard College in 1895.

CHARLES WILLIAM STOREY, Jr., Boston, was the son of Charles William Storey, sr., a prominent merchant of Newburyport, Mass., and of Elizabeth Burnham, his wife, and was born in Claremont, N. H., July 18, 1816. His first American ancestor, William Storey, came from England to Ipswich, Mass., about 1633. His grandfather, William Storey, was an officer in the Revolutionary war, participating in the battle of Bunker Hill and becoming an original member of the Society of the Cincinnati. One of his ancestors was Samuel Appleton, of Ipswich, who served as an officer in King Philip's war.

Mr. Storey was educated at the Newburyport Academy and at Phillips Exeter Academy in New Hampshire, and was graduated from Harvard College in the class of 1835. He was graduated from the Harvard Law School with the degree of LL.B. in 1837 and continued his legal studies in Boston with C. P. & B. R. Curtis, being admitted to the Suffolk bar June 15, 1840. Immediately afterward he entered upon the active practice of his profession in



CHARLES W. STOREY, JR.

Boston, and by the exercise of those lofty principles of justice and industry which characterized his entire career, became a foremost lawyer and advocate. He possessed a thorough and exact knowledge of the law, keen discrimination and great legal ability, and achieved a recognized eminence and success.

From 1844 to 1850 he served as clerk of the Massachusetts House of Representatives. He was also register of insolvency for Suffolk county and clerk of the Superior Criminal Court at different times. He resided in Brookline, Mass., where he died December 28, 1893.

Mr. Storey was married at Newburyport to Elizabeth Eaton Moorfield, a descendant of Benjamin Eaton, who was an officer in the Revolution and an original member of the Society of the Cincinnati.

MOORFIELD STOREY, Boston, is a lineal descendant of William Storey, who settled in Ipswich, Mass., about 1633, and the second son of the late Charles William Storey, one of Boston's eminent lawyers, whose memoir appears in this work. His mother, Elizabeth Eaton Moorfield, was descended from Benjamin Eaton, who served in the Revolutionary war and became an original member of the Society of the Cincinnati.

Mr. Storey was born in Roxbury (now Boston), Mass., March 19, 1845, and was graduated from the Boston Latin School in 1862, being a Franklin medal scholar and winning several prizes for proficiency in his studies. He then entered Harvard University, from which he was graduated with honors in 1866. During his senior year he stood at the head of his class. He was also class orator, and a member of the Phi Beta Kappa, the Institute of 1770, and the Hasty Pudding Club. On leaving college he entered the Harvard Law School, but left in November, 1867, to go to Washington as private secretary to Senator Charles Sumner, with whom he continued his legal studies until May 1, 1869, when he returned to Boston. He then entered the law office of Brooks & Ball and a month later associated himself with District Attorney J. Wilder May, subsequently chief justice of the Municipal Court of the city of Boston. Mr. Storey was admitted to the Suffolk bar August 28, 1869, and was assistant district attorney from October of that year to May, 1871, when he opened an office for the active practice of his profession. Afterward he practiced with his father until October, 1873, when he formed a copartnership with Benjamin F. Brooks and Joshua D. Ball, which continued under the style of Brooks, Ball & Storey until July, 1881. Mr. Brooks then withdrew and Benjamin L. M. Tower was admitted under the firm name of Ball, Storey & Tower. In April, 1887, this firm was dissolved and Mr. Storey formed a copartnership with John L. Thorndike and Sherman Hoar, which continued until Mr. Hoar's election to Congress, since which time the firm has been Storey & Thorndike.

Mr, Storey is one of the eminent members of



MOORFIELD STOREY.

the Boston bar, and during a long and successful career has maintained a high standing for ability, industry and integrity. He is especially strong before a court and in chamber consultation. His practice has been of a general character, and includes an extensive business in the departments relating to corporations and trusts. He was the Boston counsel for the Union Pacific Railroad Company under President Adams from 1885 to 1891, and has been connected with many important railway and other cases. He was admitted to practice before the Supreme Court of the United States in October, 1889.

As a writer and public speaker Mr. Storey has achieved a reputation which is not confined to his city and Commonwealth. He was associated with Samuel Hoar in the editorship of the American Law Review from 1873 to the

end of volume thirteen. Among his numerous public addresses may be mentioned the following: "The Government of Cities," at Buffalo, N. Y., September 30, 1891; "The American Legislature," the annual address before the American Bar Association delivered at Saratoga Springs, N. Y., August 22, 1894; "Harvard in the Sixties," an interesting series of reminiscences before the Harvard Memorial Society at Cambridge, Mass., April 3, 1896; and "A Civilian's View of the Navy," a lecture delivered before the Naval War College September 6, 1897. These and several others have been published in pamphlet form and bear evidences of great literary ability and learning. In 1896 he was president of the American Bar Association, and on August 19, at Saratoga Springs, made one of the most eloquent and stirring annual addresses ever delivered before that body, his subject being "A Year's Legislation." As reprinted from the Transactions of the Association it fills nearly seventy-four closely printed pages. He was elected chairman of the National Democratic Convention on September 30, 1897, and made a speech which fired the enthusiasm of all present. Mr. Storey has been one of the overseers of Harvard College since 1877, excepting three years, and is prominently connected with various social, civil and professional bodies. He was one of the original members of the Bar Association of the city of Boston in 1876, and has been one of its executive committee since 1885, of its council since 1886, and of its judicial committee from 1882 to 1884. Mr. Storey is not only an able and talented lawyer, but a brilliant and eloquent orator, a good parliamentarian, a thorough scholar, and a public spirited, progressive and patriotic citizen. His broad and comprehensive knowledge of both law and literature, his quick perceptive powers, his wonderful ability, and his magnetic personality make him one of the most popular of men. He is an excellent judge of human nature, and by the exercise of natural attainments of a high order has won eminence and honor in his profession, on the platform, in the councils of his party, and in the ordinary discharge of his duties of citizenship.

Mr. Storey was married January 6, 1870, to Anna Gertrude Cutts, daughter of Gen. Richard D. Cutts, of Washington, D. C. Their children are Elizabeth Moorfield, wife of Dr. R. W. Lovett, Gertrude L., Richard Cutts, Katherine, and Charles Moorfield Storey.

JOHN LATHROP, A. M., Boston, associate justice of the Supreme Judicial Court of Massachusetts, is the son of Rev. John P. and Maria M. (Long) Lathrop, and was born in Boston on the 8th of February, 1835. Rev. John Lothrop, his first American ancestor, was a non-conformist minister, and was imprisoned in England by Archbishop Laud for keeping a conventicle. In 1634 he left England and came to this country, and was the first minister in Scituate and later the first in Barnstable,



JOHN LATHROP.

Mass., where he built two houses, one of which is now a part of the town library building. Rev. John Lathrop, D.D., one of his descendants and the great-grandfather of Judge Lathrop, was pastor of the second church in Bos-

ton from May 18, 1768, until his death in 1816. His son, John Lathrop, born in Boston in 1772, was graduated from Harvard in 1789, read law with Christopher Gore, and became a lawyer, poet and teacher. He was also clerk of the courts of Norfolk county for a time. John P. Lathrop, son of the last named John, was born in Boston in 1796, and became an Episcopal clergyman. He was a chaplain in the U. S. Navy, attached to the Princeton, and died in 1843.

Judge Lathrop spent a part of his boyhood in Bordentown, N. J., where his father held a rectorship, and after the latter's death the family returned to Boston, where he attended the public schools. In 1846 he entered Burlington (N. J.) College, from which he received the degree of A. B. in 1853 and that of A. M. in 1856. On leaving college he entered Harvard Law School, and was graduated therefrom with the degree of LL.B. in 1855. He read law in the office of Charles G. Francis C. and Caleb William Loring, of Boston, and was admitted to the Suffolk bar in March, 1856, and to the bar of the United States Supreme Court in 1872.

In 1856 Mr. Lathrop began active practice in Boston in the office of his preceptors, and rapidly gained a standing at the bar. The outbreak of the Rebellion, however, gave him an opportunity for the exercise of that patriotism and love of freedom which has distinguished his family for many generations, and which has made it prominent in the annals of New England. In August, 1862, he enlisted as first lieutenant of Co. I, 35th Mass. Vol. Inf., and very soon afterward was commissioned captain. He participated in the battles of South Mountain, Antietam and Fredericksburg, and in the spring of 1863 was taken ill, which caused him to resign in the following November. Returning to Boston he resumed his law practice in the office of the Lorings, where he remained until 1870, enjoying a large and successful legal business. Since entering upon his professional career Judge Lathrop has gained a considerable reputation as a law writer. Before his admission to the bar he began his editorial labors under that distinguished jurist and author, Theophilus Parsons, who gracefully acknowledged in his prefaces the valuable assistance rendered by Mr. Lathrop in preparing two noted works for the press, namely "A Treatise on Maritime Law," 2 vols., published in 1859, and "A Treatise on the Law of Shipping and the Law and Practice of Admiralty," 2 vols., in 1869. Mr. Lathrop also rendered valuable aid to Mr. Parsons on his "Bills and Notes," 1865, and "Marine Insurance," 1868. These editorial labors, together with a large specialized practice, made him a recognized authority on shipping and admiralty law, upon which he has contributed numerous articles to law magazines. For several years he was also a lecturer on torts and later on admiralty law at the Harvard Law School and on the law of corporations at the Boston University Law School.

In 1870 Mr. Lathrop formed a copartnership with Leonard A. Jones and Edwin H. Abbot, which continued for three years, the firm name being Lathrop, Abbot & Jones. He then practiced alone until March, 1888, serving also as reporter of decisions of the Supreme Judicial Court from March, 1874. In this capacity he edited thirty-one volumes of the Massachusetts Reports, more than any other reporter. In March, 1888, Governor Ames appointed him an associate justice of the Superior Court, and on January 28, 1891, he was appoined by Governor Russell as one of the associate justices of the Supreme Judicial Court of Massachusetts, which position he still holds.

Judge Lathrop is one of the ablest admiralty lawyers in New England. He is a man of deep learning, a student of nature as well as of books, and a jurist who is widely esteemed for his ability, dignity, good judgment and integrity. He is an ardent admirer of rare and valuable books, of which he has a choice collection in Boston, where he resides. He is a member of the Military Order of the Loyal Legion of the United States, and as a citizen is public spirited and highly respected. He is a member of the Union Club, the St. Botolph Club, the Thurs-

day Evening Club, the Law Club, the Military Historical Society, and the Appalachian Mountain Club.

Judge Lathrop was married in Boston on the 24th of June, 1875, to Eliza D., daughter of Richard G. Parker.

OLIVER WENDELL HOLMES, Jr., LL.D., associate justice of the Supreme Judicial Court of Massachusetts, was born in Boston on the 8th of March, 1841. He is the eldest son of Oliver Wendell Holmes, the poet and essayist, whose name is so dear to the heart of Americans and whose literary productions have long been revered by the people of two continents. His mother was Amelia Lee Jackson, daughter of Hon. Charles Jackson, of Bos-



OLIVER WENDELL HOLMES, JR.

ton. Rev. Abiel Holmes, D.D., the grandfather of the judge, was born in Woodstock, Conn., was graduated from Yale College in 1783, and was pastor of the First Congregational church in Cambridge from 1792 to 1832. He married Sarah, daughter of Hon. Oliver Wendell of Boston, a graduate of Harvard and a son of Hon. Jacob Wendell, an eminent Boston merchant.

Judge Holmes received his preparatory education in his native city at E. S. Dixwell's private Latin school, and was graduated from Harvard College in 1861. In April, 1861, he enlisted in the Fourth Battalion of Infantry, Major Thomas G. Stevenson, then stationed at Fort Independence, Boston Harbor, where he wrote the poem which he delivered on Class Day. On July 10 of the same year he was commissioned first lieutenant of Co. A, 20th Mass. Inf., and was later transferred to Co. D, and at the battle of Ball's Bluff, October 21, he was wounded in the breast and also struck in the abdomen by a spent ball. He was commissioned captain of Co. G, March 23, 1862, received a wound in the neck at Antietam on September 17, and became provost marshal at Falmouth, Va., in February, 1863. At Marye's Hill, near Fredericksburg, he was wounded in the heel, May 3, 1863, and on July 5 he was commissioned lieutenant-colonel of the 20th Mass. Inf., but was not mustered in, the regiment being too much reduced. On the 29th of January, 1864, he was appointed aide-de-camp on the staff of Brig.-Gen. H. G. Wright, commanding the First Division, Sixth Corps, subsequently major-general commanding the Sixth Corps, and served with General Wright during Grant's campaign down to Petersburg. He returned to Washington with the Sixth Corps when the capital was threatened in July, 1864, and on the 17th of that month he was mustered out of service, his term of enlistment having expired.

After an honorable and creditable service of over three years in the Union Army Mr. Holmes returned to Boston, and in September, 1864, entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1866. In December, 1865, he had become a student in the office of that eminent lawyer, Hon. R. M. Morse, of Barristers' Hall, Boston, where he laid that foundation upon which he has built a successful professional career. He spent the summer of 1866 in Europe, where he became a member of the English Alpine Club, and on returning to Boston he entered the law

office of Chandler, Shattuck & Thayer. He was admitted to the Suffolk bar March 4, 1867, and afterward to the bar of the United States Supreme Court, and began the active practice of his profession in Boston in copartnership with his only brother, Edward Jackson Holmes. In 1873 he became a member of the well-known law firm of Shattuck, Holmes & Monroe. On December 8, 1882, Governor Long appointed him an associate justice of the Supreme Judicial Court of Massachusetts, in place of Judge Otis P. Lord, resigned.

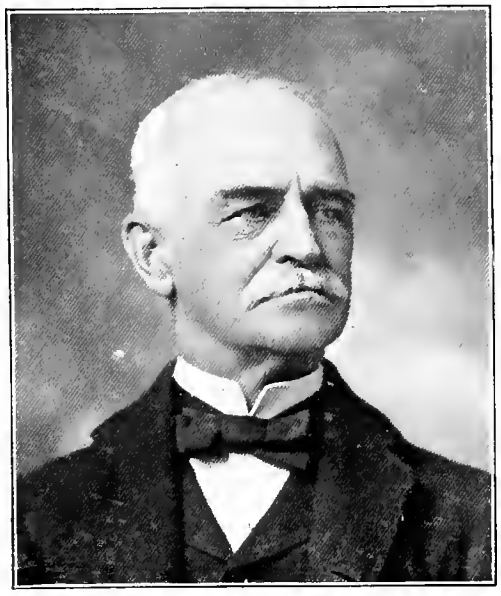
Judge Holmes possesses unusual qualifications for the law. He inherits the scholarly as well as the literary characteristics of his distinguished father, and has graced the profession in which he has achieved eminence and success. As a lawyer he won high rank at the bar, while as a jurist he has displayed great ability, rare dignity, and sound judgment. He is a man of broad learning, cultured, genial and companionable. While his energies have been chiefly devoted to the practice and the interpretation of the law, he has, nevertheless, acquired prominence as a writer and lecturer on legal subjects, upon many of which he is a recognized authority. At Harvard College he taught constitutional law in 1870 and 1871 and was university lecturer on jurisprudence in 1871 and 1872. In 1873 he published four volumes of the twelfth edition of Kent's Commentaries, adding elaborate notes. He had editorial charge of the American Law Review from 1870 to 1873, volumes V, VI, and VII, and wrote for that periodical the following papers: 1, "Codes, and the Arrangement of the Law;" 2, "Ultra Vires;" 3, "Misunderstandings of the Civil Law;" 4, "Grain Elevators;" 5, "Arrangements of the Law: II Privity;" 6, "The Theory of Torts;" 7, "Primitive Notions in Modern Law" (two articles); 8, "Possession;" 9, "Common Carriers and the Common Law;" 10, "Trespass and Negligence;" and many shorter articles. He also wrote an essay on "Early English Equity" for the English Law Quarterly Review of April, 1885; two articles on "Agency" for the Harvard Law Review of March and April, 1891; an article on "Privilege, Malice, and Intent" for the same publication for May, 1894; and a paper on "Executors" for that Review for May, 1895. An address delivered by him before the Boston Law School was published in the Boston Law School Magazine for February, 1897, and in the Harvard Law Review and the Juridical Review (Scotch) for April, 1897. Another address, "Law in Science and Science in Law," delivered before the New York State Bar Association in January, 1899, was published by the Association, and also in a recent number of the Harvard Law Review. A volume of his speeches was published by Little, Brown & Co. in 1891. He delivered, as one of the Lowell Institute courses in Boston, a series of lectures on the Common Law during the winter of 1880, and in 1881 published a volume upon the same subject, which was characterized in the London Spectator as "the most original work of legal speculation which has appeared in English since the publication of Sir Henry Maine's 'Ancient Law,'" and which has been translated into Italian by Sig. Francesco Lambertenghi, the present Italian consul general at Zurich. In 1882 he was appointed to a new professorship in the Harvard Law School, but had barely entered upon his duties in that capacity when he received the appointment to the bench of the Supreme Judicial Court. He is a member of the Massachusetts Historical Society, and for a time was a Fellow of the American Academy. He received the degree of LL.D. from Yale College in 1866 and from Harvard in 1895.

On the 17th of June, 1872, Judge Holmes married Miss Fanny Dixwell, daughter of Epes Sargent Dixwell, of Cambridge, Mass. They reside in Boston.

GEORGE PUTNAM, Boston, is descended from John Putnam, who came from England to Salem, Mass., about 1635, and who was the ancestor of nearly all of the name in America. He is also a descendant of David

Putnam, an elder brother of Gen. Israel Putnam, one of the most conspicuous names in New England history. His father, Rev. George Putnam, was for nearly fifty years pastor of the First Unitarian church of Roxbury; he married Elizabeth Ware, and died in 1878.

Mr. Putnam was born in Roxbury (now a part of Boston), Mass., October 28, 1834, and



GEORGE PUTNAM.

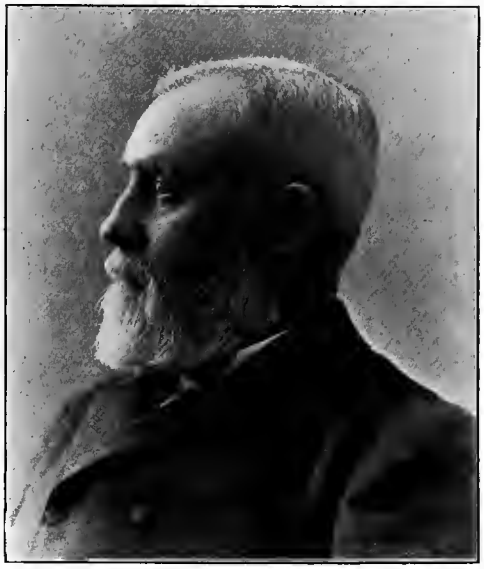
was graduated from the Roxbury Latin School in 1850. He then entered Harvard University, from which he was graduated in 1854, and shortly afterward he began his legal studies at the Harvard Law School, where he took his degree of LL.B. in 1858. He continued the study of law in the office of Chandler & Shattuck, of Boston, and upon his admission to the Suffolk bar in September, 1858, commenced active practice, forming in January, 1874, a copartnership with William Goodwin Russell, which existed until the latter's death in February, 1896. Mr. Putnam is an able lawyer and advocate, forceful and convincing in argument, and an excellent counselor. He is especially strong in legal arguments before a court. In the trial of causes as well as in chamber practice he has achieved a high reputation, and for many years he has occupied a prominent place at the Boston bar. He has been a Republican since the organization of the party in 1856, but has never taken an active part in political or public affairs, preferring instead to give his whole time to the general practice of his profession. And in this he has been eminently successful.

He was married June 9, 1860, to Miss Harriet Lowell, daughter of Charles Russell Lowell, of Cambridge, Mass., and they have five children: William Lowell Putnam and James Lowell Putnam, both lawyers and associated with their father in practice; Dr. Charles R. L. Putnam, a physician of New York city; and Elizabeth and Josephine.

ALBERT MASON, LL.D., Boston, chief justice of the Superior Court of Massachusetts, is a lineal descendant of Sampson (or Samson) Mason, who served in the Parliamentary army under Fairfax, came from England to Dorchester, Mass., about 1650, and removed to Rehoboth in 1657. His great-grandfather, Stephen Bullock, of Rehoboth, was a soldier in the Revolutionary war, a member of congress, and a prominent factor in public affairs. Mary Bullock, his daughter, married Aaron Thurber Mason, also of Rehoboth, and their son, Albert Thompson Mason, married Arlina Orcutt, daughter of Alpheus Orcutt, of Bridgewater, and settled in Middleboro, Mass., where he engaged in the manufacture of tacks. Albert T. and Arlina (Orcutt) Mason had seven children, Albert being the third child and the eldest of three sons.

Albert Mason was born in Middleboro, Plymouth county, Mass., November 7, 1836, and as a boy attended the local public schools. He also attended Pierce Academy at Middleboro, where he took a classical course, also giving special attention to mathematics. Afterward he took up the study of law in the office of Edward L. Sherman, of Plymouth, and was admitted to the Plymouth bar in February, 1860, and subsequently to the bar of the United

States Circuit Court. In 1860 he began the active practice of his profession in Plymouth, but the patriotism which inspired his ancestors soon impelled him to enlist in the Union service, and in August, 1862, he became second lieutenant in the 38th Regt. Mass. Vols. Early in his military career he was detailed for staff



ALBERT MASON

duty, serving as regimental and brigade quartermaster and afterward being commissioned captain and assistant quartermaster by President Lincoln. At the close of the war he received an honorable discharge, and in November, 1865, resumed his law practice in Plymouth, where he also served as chairman of the Board of Selectmen from 1866 to 1874. In 1873 and 1874 he represented his district in the lower house of the Legislature. In January, 1874, he took an office in Boston with Charles H. Drew, but still retained his office in Plymouth, where, in May of that year, he formed a copartnership with Arthur Lord, to which Benjamin R. Curtis was subsequently admitted, the firm name being Mason, Lord & Curtis. This firm continued in active and successful practice for several years. In July, 1874, Judge Mason removed to Brookline, Mass., where he has since resided. In 1875 he formed a law partnership with Charles H. Drew, which continued about four years.

Judge Mason rapidly achieved distinction at the bar, both in Plymouth and in Boston, and was recognized as an able and reliable counselor and advocate. His practice did not lead him into any special branch, but was of such a general nature as to develop those intellectual qualifications that now make him conspicuous as a jurist. He successfully built up a large professional business. In Plymouth he was active in educational and town affairs, serving for several years as a member of the School Committee and also as selectman, as previously mentioned. In the Legislature he was prominent and influential and served as chairman of the committee on probate and chancery in 1873 and as a member of the committee on judiciary in 1874. In December, 1874, he was appointed a member of the Board of Harbor Commissioners of Boston, and he continued on the boards succeeding this with various changes of title until he was appointed, February 15, 1882, by Governor Long, an associate justice of the Superior Court of Massachusetts. In September, 1890, Governor Brackett appointed him chief justice of this court to succeed Judge Brigham, resigned. As chief justice he has presided at many important trials, the most notable of which were the Borden, O'Neil, and the Trefethen, all capital cases. In 1893 Dartmouth College conferred upon him the honorary degree of LL.D.

He was married November 25, 1857, to Miss Lydia F., daughter of Nathan and Experience (Finney) Whiting of Plymouth; they have five children: John W., Mary A., Charles N., Martha and Grace W.

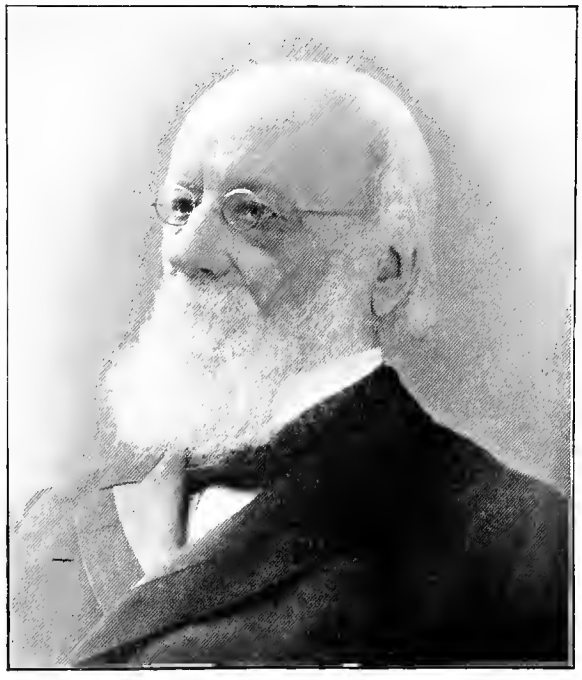
CHARLES THEODORE RUSSELL, Sr., A.M., Boston, son of Charles and Persis (Hastings) Russell, was born in Princeton, Mass., November 20, 1815, and died in Cambridge on the 16th of January, 1896. He was descended from William Russell, who settled

in Watertown, Mass., as early as 1645. His father, Charles, was a prominent merchant and a leading citizen of Princeton, serving as postmaster, town clerk, representative to the General Court eight successive years, State senator four terms, and member of the Governor's Council three years, and dying at the age of nearly ninety. His mother, Persis (Hastings) Russell, was the daughter of Samuel Hastings and a descendant through both parents of some of the earliest settlers of Princeton. Her first American ancestor, Thomas Hastings, was descended from a younger brother of the Earl of Huntington.

Mr. Russell prepared for college at Princeton Academy and under Rev. Warren Goddard and Rev. Mr. Cowles, graduates of Harvard and Yale respectively. At considerable personal sacrifice on the part of his parents he and his brother were enabled to complete a collegiate course at Harvard University, from which he was graduated with honors in 1837. He stood among the foremost in his class and had the Latin salutatory at graduation and the valedictory oration when he received the degree of A. M. in 1840. Upon leaving college he entered the law office of Henry H. Fuller in Boston and later the Harvard Law School, and was admitted to the Suffolk bar in July, 1839. During the next two years he was associated with Mr. Fuller, and afterward he practiced alone until 1845, when he formed a copartnership with his brother under the style of C. T. & T. H. Russell, which continued for fifty years, or until his death in 1896.

Soon after beginning the active practice of his profession Mr. Russell became a member of the Boston School Committee, and as such was alone in that body in advocating the admission of colored children to the public schools of the city instead of confining them to special schools, as was then the custom. He was a member of the lower house of the Legislature from Boston in 1844, 1845 and 1850, and of the Senate in 1851 and 1852. In 1855 he took up his residence in Cambridge, where he served as mayor in 1861 and 1862. In 1877 and 1878 he was State senator from Middlesex county. He was very active during the Civil war, and spent much time in recruiting the State's quotas and in looking after the comfort of the troops in the field.

Mr. Russell was an eminent lawyer, a man of the loftiest integrity, and a citizen whose every act expressed those sturdy principles of patriotism and benevolence that marked his



CHARLES T. RUSSELL, SR.

entire life. He had an extensive law practice, both in the office and before the courts, yet he devoted much time to the interests of various institutions of more than local importance. For many years he was a member of the board of visitors of the Theological School at Andover, Mass., and secretary of the board, and made the closing argument before that board concerning the five professors of the institution who were accused of heterodoxy, and was senior counsel for them in the hearing of the case before the Supreme Judicial Court. He was a corporate member of the American Board of Commissioners for Foreign Missions, a member of the American Oriental Society, a member

of the American College and Education Society, a member of the Society for Promoting Theological Education among the Indians, president of the Board of Ministerial Aid and of the Congregational Club of Boston, a member of the Massachusetts Bible Society, and a member, vice-president, and president of the Boston Young Men's Christian Association, and delivered the address at its inauguration.

He wrote a history of his native town, Princeton, and delivered a large number of notable addresses, among them being the following: The Fourth of July oration before the authorities of the city of Boston in 1851; the centennial address at Princeton in 1859; the opening address at the bi-centennial celebration of the First church and parish of Cambridge in 1866; and an argument before the Massachusetts Senate on Manhood Suffrage in 1878, which was enlarged and repeated before the joint legislative committee and then printed, and which was again enlarged in 1887 and addressed as an open letter to the Legislature. He displayed great literary as well as oratorical ability, and achieved distinction as a pleasing, graceful and eloquent speaker. He was also a professor in the Boston University Law School from its organization until his death, and always took a deep interest in its growth and prosperity.

Mr. Russell was married June 1, 1840, to Sarah Elizabeth, only daughter of Joseph Ballister, a prominent Boston merchant. They had six daughters and four sons, two of the latter being the late Gov. William E. Russell, of Boston, and Charles T. Russell, jr., a member of the Boston bar.

WILLIAM EUSTIS RUSSELL, LL.D., Boston, whose untimely death on July 16, 1896, caused deepest mourning throughout the Commonwealth, descended from Puritan ancestry, and was a son of Charles Theodore Russell, sr., and Sarah Elizabeth Ballister. He was born in Cambridge, Mass., January 6, 1857. He was the youngest of four brothers; he passed his boyhood in the Cambridge public schools and at the age of sixteen entered Harvard College. During his university career he exhibited many of the characteristics and qualifications which, in later years, contributed to his rapid advancement towards the eminent position he occupied at the time of his death. He was not a precocious student, but his unfailing urbanity, his active intelligence, and his proficiency in all the athletic recreations of college life brought him great popularity and many sincere friends. His favorite studies were the classics, political economy, and history, and he was especially strong in the old Roman law. In his studies, as well as in other respects, he exhibited the indomitable energy and perseverance that were among his distinguishing characteristics.

His political antecedents were Democratic, and his ardent espousal of the principles of that party and his readiness to effectively uphold them in an argument were demonstrated during his college life. He was graduated with honor in the class of 1877, and entered the Boston University Law School, from which he was graduated in 1879 at the head of the class. He received the first *summa cum laude* degree ever given by this school. In 1880 he was admitted to the Suffolk bar and began practice with his father and his uncle, Thomas H. Russell, a law firm that had been conspicuously successful for forty years. The young man was possessed of all the personal gifts that most frequently insure popularity—a winning smile, a sympathetic voice, a frank and attractive bearing, with powers of eloquence rarely equaled. It was almost inevitable that he should be called into action in the political field, young as he still was.

His first public office was councilman in Cambridge, serving one year, which was followed by two years as alderman. During this period his acquaintance was rapidly extended and the circle of his political friends and admirers greatly enlarged. In December, 1884, at the age of twenty-seven, he was elected mayor

of Cambridge on a municipal reform ticket, and his administration met with such favor that he was thrice re-elected, holding the office four years. In this office, on many occasions, he exhibited in marked degree his native dignity of character in dealing with public affairs demanding high administrative ability, and at the same time, by consummate tact and an unfailing sense of justice, made many friends among his political opponents.

He had now attained such a conspicuous position that in 1888 he received the Democratic nomination for governor of Massachusetts. During the campaign he made about fifty speeches in various parts of the Commonwealth, which added materially to his reputation in this respect. He was defeated by Oliver Ames by more than 28,000 votes. Notwithstanding this his own faith in his future was undisturbed, and his constituents gave him a second nomination only to meet with a similar result. He became an ardent champion of tariff reform, and the opposing candidate's plurality was reduced to 6,775, while the candidate for lieutenant-governor on the opposing ticket received over 20,000 plurality. Following his third nomination, in 1890, for the high office against his former opponent (John Q. A. Brackett), he was elected by more than 9,000—a political triumph very seldom realized under similar conditions in respect to the two great parties. He was then only thirty-three years old, and many prominent Republicans and some of the public prints were inclined to treat his political aspirations in a facetious manner, and his well-won success as assuredly temporary. It is an unwritten law in Massachusetts that a successful candidate for the office of governor shall be given two succeeding nominations; but many well-meaning and usually level-headed politicians accepted it as a foregone conclusion that one year's administration by Governor Russell would so clearly demonstrate his unfitness and incapacity that he would thereafter be turned back to political obscurity. They "counted without their host." He was twice re-elected to the same high office, and it is, perhaps, not too much to say that public affairs were never more efficiently conducted, as far as the governor's administration could be brought to bear, than during William E. Russell's three years of service.

During the political campaigns of those years he had developed into a really great orator, with powers in debate that were overwhelming. The same unerring tact, the frank and unswerving honesty, and the earnestness



WILLIAM E. RUSSELL

of his labors for the general public good, carried him through his career as governor—when his immediate political environment was distinctly hostile—and enabled him to retire from the office with a host of friends in both political parties far greater than surrounded him when he was first elected. Those persons who had expected, or possibly hoped, to see him exhibit the weakness of immaturity or time-serving when confronted with the real difficulties of his tremendous task, were most thoroughly disappointed.

Governor Russell's literary style was excellent; no reader could mistake his meaning in the written sentence or in his lucid speeches. His state papers are models of clear and powerful conciseness.

For the purposes of this brief sketch, the remainder of the story of Governor Russell's life is soon told. His name came prominently before the public as a presidential possibility in 1892, but not through his seeking. He retired from the office of governor a comparatively poor man. Marrying, in 1885, Margaret Manning Swan, daughter of Rev. Joshua and Sarah A. (Hodges) Swan, he had settled in Cambridge, and at his death was father of three children. To provide for them he joined a brother and cousin in forming the Boston law firm of Russell & Russell and entered upon successful practice. After fully determining to remain absent from the Chicago convention, where his name was at one time almost sure to be brought forward as the standard bearer of the Democratic party in the ensuing presidential campaign (a prospect upon which he frowned), he finally saw the necessity of his presence there as a combatant against the free silver doctrine. He went, and, after the nomination of Bryan, returned a wearied and disappointed man. It wounded him sorely that the great party, with which he had so long fought, should lend itself to what he believed to be political debasement.

Governor Russell's energy and industry, both of which had ever been freely devoted to public affairs, were greater than his physical endurance, and his health became seriously impaired, through weakness of the stomach. To recuperate his strength he went with a small party of friends to a sportsman's camp in the township of Pabos, Province of Quebec, leaving Boston July 13, 1896. Two days later, on the 15th, while apparently in the best of spirits, and prepared to benefit by his outing, he retired to rest in one of the hunter's cottages. The next morning (the 16th) he was found dead, having peacefully passed away apparently while sleeping. His death was a terrible shock, not alone to his family and other relatives, but to every citizen in the Commonwealth. His remains were brought home, and from the time of their arrival until they were buried from sight forever, the people of his native State united in doing honor to his memory. He was elected president of the Alumni of the Boston University Law School in 1888, and in 1891 Williams College conferred upon him the honorary degree of LL.D.

CHARLES THEODORE RUSSELL, Jr., Boston, is descended in the ninth generation from William Russell, who came from England to Watertown, Mass., in 1645. Three generations later the family moved to Littleton, Mass., whence Mr. Russell's great-grandfather, John Russell, removed to Princeton, where the subject's father was born. Mr. Russell is the eldest son of the late Charles Theodore Russell, sr., for many years a leading member



CHARLES T. RUSSELL, JR.

of the Suffolk bar, and Sarah Elizabeth Ballister, his wife, and was born in Boston, Mass., April 20, 1851. He attended the public schools of Cambridge and was graduated from Harvard University in 1873, and then entered the Boston University Law School, where he took his degree of LL.B. in 1875. He read law with his father's firm, C. T. & T. H. Russell, and was admitted to the Suffolk bar May 15, 1875. Immediately afterward he became a member of

that firm and so continued until January 1, 1894, when, with his brother, Gov. William E. Russell, and a cousin, Arthur H. Russell, he formed the firm of Russell & Russell. Since the death of Governor Russell the two surviving partners have continued the firm name.

Mr. Russell has for many years enjoyed a large practice at the bar, principally in the line of admiralty law. He possesses legal qualifications of a high order, a strong faculty for marshaling facts, and a keen, discriminating judgment. As counselor and advocate he has been connected with much important litigation, and in chamber practice is widely recognized for his ability and industry. In addition to attending to a heavy professional business he has creditably filled several positions of trust and honor.

In 1884 he was appointed a civil service commissioner for Massachusetts, which office he has held by successive reappointments to the present time, and since 1889 has been chairman of the commission. In 1885 he was appointed by the House and Senate as editor of the "Reports of Contested Election Cases before the Legislature," and has ever since served in that capacity. By appointment of the Supreme Judicial Court he became, in 1891, one of the examiners of applicants for admission to the bar for Suffolk county, which position he resigned in 1896, having been much of the time chairman of the board. He is an ardent and consistent Democrat, but has never sought nor accepted political office, preferring instead the uninterrupted practice of his profession. He is a member of the Union, University, and St. Botolph Clubs of Boston, and of various other social and literary organizations. He has never married.

LINCOLN FLAGG BRIGHAM, A. M., LL.D., Boston, for thirty-one years an associate justice and chief justice of the Massachusetts Superior Court, was the youngest of six children of Lincoln and Lucy (Forbes) Brigham, and was born in Cambridge, Mass., October 4, 1819. He was the seventh in descent from Thomas Brigham, whose name appears on the Watertown records as early as 1637.

He was designed by his father for mercantile pursuits and spent two years in the counting room of Samuel Austin, jr., in Boston, leaving in the fall of 1837 to prepare for college under his brother-in-law, Rev. David Peabody, then



LINCOLN FLAGG BRIGHAM.

of Worcester. After one year he entered Dartmouth College, from which he was graduated with high honors in July, 1842, and where he was called to deliver an oration at the commencement in 1845, when he received the degree of Master of Arts in course. In September, 1842, he entered the Dane Law School at Cambridge, and remained there until January, 1844, when, having received the degree of LL.B., he became a student in the office of Colby & Clifford of New Bedford, Mass., the former being at that time judge of the Court of Common Pleas and the latter subsequently attorney-general and governor of Massachusetts. Mr. Brigham was admitted to the bar at New Bedford at the June term of the Common Pleas Court in 1845 and in July was received into a professional partnership with his late instructor, Hon. John H. Clifford, then the leader of the

Bristol county bar. The firm of Clifford & Brigham was dissolved in January, 1853, on account of the election of Mr. Clifford as governor. In February, 1854, Governor Clifford appointed Mr. Brigham district attorney for the Southern Criminal district, which comprised the four southeastern counties of Massachusetts. He filled this office with great acceptance, and when it was made elective in November, 1856, he was continued by popular choice until June 1, 1859, when he resigned to accept the commission of associate justice of the Massachusetts Superior Court by the appointment of Gov. Nathaniel P. Banks.

The Superior Court was established in 1859, and Judge Brigham entered upon his duties as one of the ten original associate justices almost immediately after resigning the district attorneyship. In 1869 he was made its third chief justice, succeeding Hon. Seth Ames, who was promoted in that year to a seat on the bench of the Supreme Judicial Court. Judge Brigham continued as chief justice of the Superior Court of the Commonwealth until October, 1890, when he resigned. He died February 27, 1895. Dartmouth and Harvard both conferred upon him the honorary degree of LL.D. He was married October 14, 1847, to Eliza Endicott Swain, daughter of Thomas and Lydia (Clapp) Swain, and granddaughter of Thaddeus and Ruth (Hussey) Swain, of New Bedford, Mass. They had four sons.

The resolutions adopted at a meeting of the Suffolk county bar in Boston, June 21, 1895, contain the following tribute to his memory:

"To the present generation of lawyers Chief Justice Brigham is specially, and almost exclusively, known by his long service of more than thirty years upon the bench of the Superior Court. For more than a generation he gave his constant, faithful service to this court, and for over two-thirds of that time was its chief justice, declining more than once to leave that service for higher judicial honors.

"The manner in which Chief Justice Brigham performed the exacting and important duties of that high office is familiar, and needs no praise. Always careful, considerate, kindly, and patient, inflexible for the right and quick to see where the right lay; with a hearty contempt for all trickery; with a competent knowledge of the law, and ready in its application to particular cases; with a calm, just and clear judgment, and an admirable judicial dignity and bearing; firm and decided in opinion, tolerant in its expression, and ever genial and gracious on and off the bench, he was an ideal chief justice of this court.

"At the time of his resignation he had devoted the greater part of his long and useful life, with singular ability, integrity and honor, to the service of the Commonwealth. He had earned the respect of the whole public and the admiration and affection of all his professional and judicial associates. They will not forget the value of his services nor the admirable manner in which they were rendered, and they esteem it a privilege to place upon the records of the court with which he was so long identified this evidence of their high appreciation of the qualities which will perpetuate his name in our judicial history, and of the personal traits which endeared him to his brethren and which will make his life and character a fond and living memory."

The late Hon. Edmund Hatch Bennett, dean of the Boston University Law School, summed up Judge Brigham's character in the following words:

"I cannot better sum up my opinion of Judge Brigham than to say that in private life he was modest but not bashful, decided but not dogmatic, yielding but not fickle, liberal but not indifferent, attached to his own faith but not bigoted. As a public prosecutor he was faithful but not too persistent, merciful but not weak, just but never cruel. As a judge he was sufficiently learned but never pedantic, self-possessed but not self-opinioned, firm but not obstinate, always dignified but never haughty.

"Judge Brigham's fine presence and judicial temperament, joined with a love of justice and ample learning, made him a model *nisi prius* judge. The young and inexperienced always

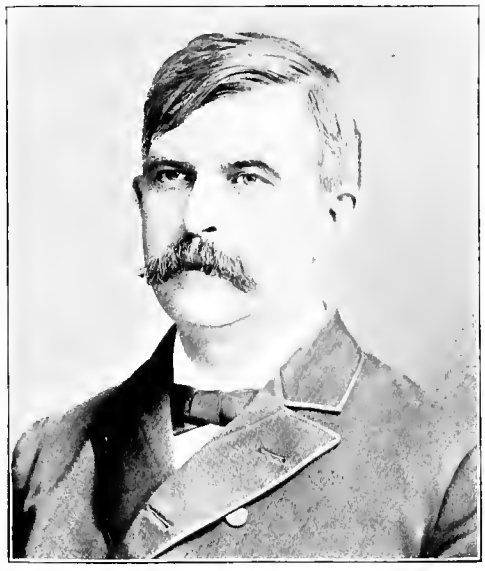
found in him a helpful friend. He was patient in hearing and impartial in judgment, dignified and kindly in all his relations, courteous and fair and accurate. His highest judicial attribute was character, which he possessed in an eminent degree, and which won for him universal respect and confidence."

Clifford Brigham, Salem and Boston, is the third son of the late Lincoln Flagg Brigham, chief justice of the Superior Court, and was born in New Bedford, Mass., September 22, 1857. He was graduated from Harvard College in the class of 1880, and after reading law was admitted to the Suffolk bar in 1884. Since then he has been engaged in the general practice of his profession in Salem and Boston. He resides in Salem, Mass.

JOHN QUINCY ADAMS BRACKETT, Boston, governor of Massachusetts in 1890, is of Scotch and English extraction, being a descendant of Capt. Richard Brackett, who came from Scotland to Boston in 1629 and subsequently settled in Braintree, now Quincy, Mass. Captain Brackett was prominent in military and civil life, and the progenitor of a race which has figured conspicuously in the growth and history of New England. Several generations of the family resided at Quincy, where Ambrose S. Brackett, son of Joseph and Charlotte (Newcomb) Brackett, was born in 1814. He settled in Bradford, N. H., married Nancy Brown in 1838, and died there in 1878. By occupation he was a shoemaker and farmer.

Mr. Brackett is the son of Ambrose S. and Nancy (Brown) Brackett, and was born in Bradford, N. H., June 8, 1842. He prepared for college at Colby Academy at New London, N. H., and afterward entered Harvard University, from which he was graduated with high honors in 1865, being class orator. He then taught school for a time, and in 1866 became a student at the Harvard Law School, where he took his degree of LL.B. in June, 1868. In February of that year he had been admitted to the Suffolk bar, and immediately entered upon the active and successful practice of his profession in Boston. Mr. Brackett soon gained an honorable standing as an able, industrious and learned advocate and counselor. From 1878 to 1880 he was a partner of Hon. Levi C. Wade, who was speaker of the Massachusetts House of Representatives in 1879. Since the autumn of 1880 his law partner has been Walter H. Roberts, a graduate of Harvard of the class of 1877.

From early life Mr. Brackett has been an ardent Republican, and for many years he has been one of his party's ablest and most trusted leaders. His public career commenced in 1873, when he became a member of the Boston Common Council, in which he served four terms (1873 to 1876, inclusive), the last one as president. In 1874 and 1875 he was judge advocate



JOHN Q. A. BRACKETT.

with rank of captain on the staff of Brig.-Gen. I. S. Burrell, commanding the First Brigade M. V. M. He was elected in 1876 to the lower house of the Legislature, where his services covered a period of eight years (1877 to 1881 and 1884 to 1886, inclusive), and during the last two terms he was speaker of that body. In previous years he served on many important

committees, being House chairman of those on taxation, labor, and harbors, and chairman of the judiciary committee. In 1886 he was elected lieutenant-governor, with Oliver Ames at the head of the ticket, and held this office three years (1887, 1888 and 1889). In the latter year he was nominated for the governorship to succeed Governor Ames and was elected, and after filling the gubernatorial chair one year (1890) was renominated for a second term, but was defeated by the Democratic candidate, Hon. William E. Russell, by a small majority. Since then he has practically held aloof from politics. Governor Brackett was one of the delegates at large from Massachusetts to the Republican National Convention at Minneapolis in 1892 and served as a member of the committee on platform. In 1896, as presidential elector at large, he headed the Republican electoral ticket in Massachusetts, and in January, 1897, was chosen president of the Commonwealth's electors.

As a lawyer and advocate he has achieved a prominent place at the bar. His legal qualifications, his ready grasp of facts, and his ability and good judgment are among his chief characteristics. Since retiring from public office he has devoted himself assiduously to the practice of his profession. In the department of law relating to real estate he stands high as an authority. He is not only a successful lawyer, but a pleasing and popular public speaker, a good parliamentarian, and an able legislator and statesman. His services in the Legislature and in the capacity of governor were faithfully and efficiently rendered for the general welfare of the State.

One of the more noteworthy incidents of his career is his early and continued interest in and support of the formation of workingmen's loan associations, now called co-operative banks, whose methods of business enable persons of limited means to acquire homesteads on easy payments, the law authorizing their organization having been reported by him as House chairman of the legislative committee on labor in 1877. Mr. Brackett believes that, as a rule, a householder will never become an anarchist, and that the sense of home ownership exerts a steadying influence and tends to make a man a better citizen. Another subject which engaged his earnest and persistent advocacy at a time when it was opposed by many members of his party was the abolition of the tax prerequisite to the right to vote. Manhood suffrage prevailed and is now popular. Still another useful and liberal measure was the furnishing of free text-books to the pupils in the public schools, which received his early and efficient endorsement.

As a citizen Mr. Brackett is progressive, patriotic and public spirited, imbued with the highest sense of honor, and zealous in advancing all worthy movements and enterprises. Personally he is a warm and genial friend, a generous and catholic antagonist, earnest in argument, but eminently fair and judicial in weighing the arguments of the other side and in his conclusions. As speaker of the House in 1885 and 1886 he received great commendation, even from his political opponents, for his impartial rulings and for his unwavering courtesy, even when firm and decisive rulings were necessary, as was the case in the well remembered session of 1885, when a long course of obstructive and dilatory tactics had to be ended by declaring them out of order. Modest and unassuming to an unusual degree, the high stations he has filled and the valuable and important services he has rendered to the Commonwealth have never wrought a change in these natural characteristics. He is a man of the people, and has ever been devoted to their wants and interests. He is a life member of the Mercantile Library Association of Boston, and served it as president in 1871 and 1882; is president of the Middlesex Club and is a member of the Republican Club of Massachusetts, the Massachusetts Club, the Arlington Boat Club, the Boston Art Club, and the Masonic fraternity.

Mr. Brackett was married June 20, 1878, to Angie M., daughter of Abel G. Peck, of Arlington, Mass., where they have resided since 1887.

moving there from Boston. Of their four children two are now living: John Gaylord Brackett, a student in Harvard University of the class of 1901, and Beatrice.

SAMUEL JAMES ELDER, is the son of James and Deborah Dunbar (Keene) Elder, and was born in the village of Hope, R. I., January 4, 1850. His first American ancestor was Robert Elder, son of Robert Elder, of Cameronian descent, who came from Scotland to Paxtang (now Harrisburg), Pa., in 1730. On his mother's side Samuel J. Elder is descended from Jacob Keene, who settled at Thomaston, Me., about 1780. His father, James Elder, was born in Baltimore, Md.

Mr. Elder attended the public schools of, and received his preparatory education at, Lawrence, Mass., and was graduated from Yale College in 1873. He then studied law in Boston with John H. Hardy, now associate justice of the Superior Court of Massachusetts, and upon his admission to the Suffolk bar in June, 1875, engaged in active practice in the same city. He soon gained a standing for his ability and industry and successfully built up a large professional business. In 1882 he formed a copartnership with John H. Hardy and Thomas W. Proctor, the latter of whom was subsequently assistant district attorney and assistant city solicitor. The firm of Hardy, Elder & Proctor continued until Mr. Hardy's appointment to the bench in 1885, when it became Elder & Proctor. A year later Mr. Elder was practicing alone, and in 1890 he formed with William C. Wait the firm of Elder & Wait, which was changed to Elder, Wait & Whitman, its present style, by the addition of Edmund A. Whitman in 1893.

Mr. Elder's practice has been of a general character, principally, however, in jury trials in the counties of Suffolk and Middlesex. He has given special attention to copyright law, and was counsel for the International Copyright League during the work of that organization before the United States Senate on the international copyright bill of 1891, which he was largely instrumental in drafting. He is lecturer on copyright law at the Boston University Law School. He is a man of fine intellectual attainments, an able lawyer and advocate, and a brilliant speaker. In the trial of causes he is especially strong, displaying a broad and comprehensive knowledge of the



SAMUEL JAMES ELDER.

law and a wonderful faculty for the clear and concise presentation of the facts.

Among the more recent cases with which he has been prominently connected was that affecting General Butler's book and others involving questions relating to the municipality and street railways. On behalf of the Museum of Fine Arts and the Massachusetts Institute of Technology he also made, on February 17, 1898, before the joint Legislative committee on cities, an argument on the limitation of height of buildings near Copley Square, which with several others appeared in pamphlet form. He has tried several of the few patent causes which have been tried before juries in New England in the past few years, notably the long trial of the National Cash Register Company against

the directors of the Boston Cash Register Companies. He is a well known and talented after-dinner speaker, having the reputation of being always ready and graceful.

In politics he is Republican. He was a member of the lower house of the Legislature in 1885, representing the fourteenth Middlesex district (Winchester and Arlington), and served as chairman of the committee on bills in the third reading and member of the committee on taxation. He declined a renomination and also a position on the bench of the Superior Court of Massachusetts, preferring to devote his entire time and energy to the practice of his profession, in which he has been eminently successful. His broad learning, his graceful manners, his strong personality, and his force of character are universally admired, and as a lawyer and citizen he is highly respected and esteemed. He has been for many years a foremost member of the Suffolk bar, and has been one the governing board of the Boston Bar Association. From 1891 to 1896 he was State commissioner on portraits of governors. He is a member of the Union Club, University Club, Middlesex Club, and Taylor Club of Boston. He is a member, and in 1893 was president, of the Yale Alumni Association; a member and formerly president of the Curtis Club of Boston, and a member and former vice-president of the Calumet Club of Winchester, Mass., where he has resided since 1877. He has always taken a deep interest in college and general athletics, in all public matters, and in the advancement of his town and State.

He was married at Hastings-upon-the-Hudson, N. Y., May 10, 1876, to Miss Lilla S. Thomas, daughter of Cornelius W. and Margaret J. (Wyckoff) Thomas. Their children are Margaret Munro, Fanny Adele and Ruth Dunbar.

BENJAMIN FRANKLIN THOMAS, LL.D., Worcester and Boston, associate justice of the Supreme Judicial Court of Massachusetts from 1853 to 1859, was born in Boston on the 13th of February, 1813. As a boy he seems to have displayed those powerful intellectual qualities which distinguished him in later years and made him conspicuous on the bench, in office, and at the bar. Entering the freshman class of Brown University in 1826, when a little over thirteen years of age, he soon gained recognition for his precocious scholarly attainments, which developed and ripened with unusual rapidity. He became not only a master of Greek, but was well versed in moral and intellectual philosophy, rhetoric, criticism, and political economy, as well as in general literature and the classics. Perhaps some of his extraordinary mental powers were inherited from his paternal grandfather, Isaiah Thomas, one of the best known printers in Massachusetts in his day.



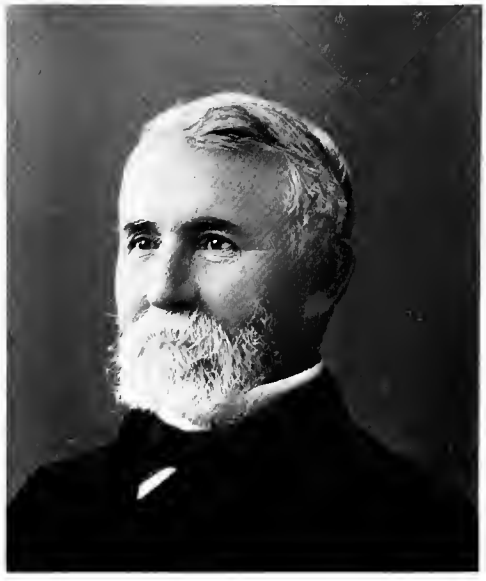
BENJAMIN F. THOMAS.

Mr. Thomas was graduated from Brown with high honors in 1830, and immediately afterward took up the study of law in Worcester, where he was admitted to the bar in 1834, and where he began active practice. In 1842 he represented Worcester in the General Court, and from 1844 to 1848 he was judge of probate for Worcester county. For many years he was a recognized leader of the Worcester bar, where his ability, courtesy, and benevolence won for

him a host of friends. On January 28, 1853, he was appointed to succeed Judge Richard Fletcher, resigned, as associate justice of the Supreme Judicial Court of Massachusetts, which position he filled for nearly six years, resigning January 1, 1859. He then removed to Boston and resumed the practice of his profession. In 1861 he became a member of congress, where he served a term of two years with distinction and honor. In 1868 Governor Bullock nominated him chief justice of the Supreme Judicial Court, but the nomination failed to be confirmed by the Council. He received the degree of LL.D. from Brown University in 1853 and a similar degree from Harvard in 1854, and died at his summer home in Beverly, Mass., September 27, 1878.

Judge Thomas was for many years one of the ablest and best known lawyers in central and eastern Massachusetts. Next to Governor Washburn he attained the largest practice at the Worcester bar, and later he became a leader of the bar of Boston. He was a man of extraordinary intellectual ability, charitably benevolent, kind and sympathetic, a wise counselor, a great and eloquent advocate, a patriotic citizen, and a firm friend. As a jurist he was dignified and impartial, displaying excellent judgment, a profound knowlege of the law, and rare discrimination between right and wrong. To the younger members of the bar his unfailing courtesy, his generous advice, and his sympathetic help were appreciated and admired. He was a good grammarian, a scholar of varied attainments, and a critic of general literature. He was an ardent student of the history of constitutional law and of the English and American governments. At one time he was president of the Boston Bar Association.

CHARLES ALLEN, Boston, associate justice of the Supreme Judicial Court, is the son of Sylvester and Harriet (Ripley) Allen, and was born in Greenfield, Franklin county, Mass., April 17, 1827. He was graduated from Harvard College in 1847, read law in his native town with George T. Davis and Charles Devens, jr., and at the Harvard Law School, and was admitted to the bar at Northampton on September 30, 1850. He then formed a copartnership with George T. Davis, which continued until January, 1862, David Aiken being a member of the firm from December, 1851, to December, 1855. Mr. Allen removed to Boston in 1862, and from that time until 1865 he was a partner of James C. Davis.



CHARLES ALLEN.

In the practice of his profession Mr. Allen achieved a high rank at the bar, and was regarded as one of the ablest lawyers in his district. His knowledge of law is broad and comprehensive. From January, 1861, to April, 1867, he was reporter of decisions of the Supreme Judicial Court, and his reports are contained in fourteen volumes. In April, 1867, he became attorney-general of the Commonwealth of Massachusetts, which office he filled with great credit and ability until January, 1872. In 1873 he edited the well known legal work entitled Telegraph Cases. In 1880 he was made chairman of the commission to revise the public statutes of Massachusetts, and in January, 1882, Governor Long appointed him an

associate justice of the Supreme Judicial Court, in which capacity he served with dignity, honor, and satisfaction, resigning in August, 1898. His judgments begin in Vol. 132, Mass. Reports. Judge Allen has never married.

JOHN DAVIS LONG, LL.D., Boston, now (1898) secretary of the navy of the United States, is the son of Zadoc and Julia Temple (Davis) Long, and was born in Buckfield, Me., October 27, 1838. He is descended from old Pilgrim stock, Thomas Clark, who came to Plymouth in the ship Ann in 1623, and John Churchill, who arrived at Plymouth in 1643, being among his ancestors. His father was a leading citizen of Buckfield and in 1838 the Whig candidate for Congress in his district. His mother was a relative of John Davis, governor of Massachusetts in 1834–35 and 1841–43.

Mr. Long early exhibited a love for books and studious habits and like most New England boys was given opportunity to lay a wise educational foundation in the public schools. He fitted for college at the Hebron Academy in his native State, entered Harvard, and was graduated therefrom in 1857, standing second in his class in the senior year. His poetical faculty found early expression, and he wrote the ode for class day. His determination to adopt the profession of law as his life work was already fixed, but preparatory to his studies he served two years as principal of the academy at Westford, Mass., at the close of which time he entered Harvard Law School. He left this institution to become a student in the law office of Sidney Bartlett in Boston and there completed his preparatory studies.

In 1861 he was admitted to the Suffolk bar, but opened a law office in his native town of Buckfield, Me. The confinement of his recognized high natural and acquired qualifications to that restricted professional field was impossible, and in the fall of 1862 he returned to Boston. After passing a short period in the offices of Peleg W. Chandler and Woodbury & Andros, he entered into a copartnership with Stillman B. Allen. This firm was a strong one, and until 1880 commanded a large and constantly increasing clientage. In the extensive general practice of the firm Mr. Long took an active part, his industry, and his professional talents gradually carrying him towards the front of the Massachusetts bar.

Mr. Long became actively interested in politics at an early age, a field of endeavor for which he was peculiarly adapted. His first important political speech was made during the memorable Lincoln campaign of 1860 in Buckfield in favor of the Republican cause. In the next year, and soon after his settlement in Buckfield as a lawyer, he received the Republican nomination for the Legislature and was defeated. After his return to Boston the absorbing duties of his profession and his loyalty



JOHN D. LONG.

to the interests of the firm of which he was a member kept him out of active co-operation in political campaigns until 1871–72, when he espoused the cause of Horace Greeley in his unfortunate aspirations for the presidency of the United States, under the Democratic banner, and was nominated by that party as representative to the lower house of the Massachusetts Legislature from Hingham, where he had taken up his residence in 1869.

In 1874 he was chosen representative by the Republicans of the Second Representative district of Plymouth county, constituted of the towns of Hingham and Hull. Again in 1875, 1876 and 1877 he was re-elected and in those years was speaker of the House. In that capacity he found ample opportunity to display his admirable traits of character, his unfailing calmness and firmness under emergency, and his usual courtesy towards all with whom he came in immediate contact, which are the bases of his great popularity. In 1877 and 1878 he was the candidate for the Republican gubernatorial nomination. In the convention of the first of those years he was defeated by Alexander H. Rice, who had served two years, while in the latter year he withdrew his name and was given the nomination for lieutenant-governor, with Thomas Talbot at the head of the ticket. In the following year (1879) he received the nomination for governor and by two renominations (by acclamation and re-election) served three years (1880 to 1882 inclusive) in the high office, in accordance with usage in Massachusetts. In 1879 there were four candidates in the field, two Democrats (Benjamin F. Butler and John Quincy Adams) and the candidate of the Prohibition party, Rev. D. C. Eddy. The vote was 122,751, for Mr. Long; 109,149 for Mr. Butler; 9,989 for Mr. Adams, and 1,645 for Mr. Eddy. In 1880 and 1881 the opposing candidate was Charles P. Thompson, a popular Democrat. In the first of those years Mr. Long's plurality was 68,317, and in the latter year 56,824.

Mr. Long's gubernatorial career was eminently creditable and honorable. His fully matured powers were brought to bear on all questions of public policy as related to the welfare of the Commonwealth, marking his administration as one which his friends as well as himself could review with entire satisfaction.

Retiring from this office, Governor Long was elected to the Forty-eighth, Forty-ninth and Fiftieth Congresses as representative of the Second district. In that legislative body he promptly took and permanently held a leading position, gaining the confidence and good-will of not only the Republican members, but of many of those of the opposite party.

In the formation of his cabinet in March, 1897, President McKinley honored Governor Long with the portfolio of the navy, in which position he is at the present receiving general commendation from all parts of the country for his conservative and judicious course under exceptionally trying circumstances.

His able and energetic management of the navy department during the war with Spain in 1898 has probably never been paralleled in the history of this country. Through its brilliant achievements at Manilla and among the West Indies it suddenly jumped from a seventh or eighth to a fourth rate power among the navies of the world and won for its officers everlasting glory. The success was largely due to Secretary Long's executive management as well as to his foresight and prompt action, and in the discharge of these duties he has won for himself an international reputation.

Between the date of his retirement from Congress and his appointment to his present position Mr. Long resumed the practice of law in Boston in business association with Stillman B. Allen and Alfred Hemenway, the firm style being Allen, Long & Hemenway. Mr. Allen retired in 1893 and the firm adopted its present title of Long & Hemenway.

Mr. Long possesses carefully cultured literary taste and ability in that direction of a high order. His unceasing activity in professional and political life, however, has prevented him thus far from gratifying his inclinations for literary labor. A translation of Virgil's "Æneid" by him, published in 1879, is said by critics to preserve the spirit of the original and to possess strong poetic feeling. His inaugural addresses were literary masterpieces, and as an orator on a wide range of topics he has achieved an eminent reputation. In 1882 he delivered by appointment the annual Fourth of July oration before the municipal authorities of Boston. After this came his great whisky bill speech in Congress, his famous speech nominating Sen-

ator Edmunds for president at the National Republican Convention at Chicago in 1884, and various other speeches of almost equal importance. In 1880 he received from Harvard College, as governor of the Commonwealth, the honorary degree of LL.D., and in May, 1887, he was elected president of the Pilgrim Society.

Mr. Long has been twice married; first, on September 13, 1870, to Mary W., daughter of George S. Glover, of Hingham, Mass., and second, on May 24, 1886, to Agnes, daughter of Rev. Joseph D. Pierce. He has three children and resides in Hingham.

GEORGE PARTRIDGE SANGER, of Boston, was of English descent, being in the seventh generation from Richard Sanger, who came from Hingham, England, to Hingham, Mass., in 1636, and died in 1661. Richard Sanger, son of this Richard, settled in Sudbury as a blacksmith in 1646, removed to Watertown in 1649, and died there in 1691. His son Richard, also a blacksmith, located in Sherborn. Richard Sanger, the seventh child of the last named Richard, was a merchant in Sherborn and Boston, and died in 1786. His son, Zedekiah Sanger, born in Sherborn in 1748, was graduated from Harvard in 1771, and was a minister in Duxbury from 1774 to 1788 and in South Bridgewater from 1788 until his death in 1820. He was a distinguished classical scholar and teacher, and received the degree of D. D. from Brown University in 1807. He married, in Duxbury, Irene Freeman, and had fifteen children, of whom six sons and five daughters grew to maturity. Ralph Sanger, one of the sons, was born in Duxbury, Mass., June 22, 1786, was graduated from Harvard University in 1808, studied divinity, and was for one year tutor of mathematics at his alma mater. He was pastor of the church in Dover, Mass., from 1813 until his death, which occurred in Cambridge on May 6, 1860. In 1817 he married Charlotte, daughter of Ezra Kingman, of East Bridgewater, Mass., who died December 1, 1881, aged eighty-nine. Dr. Sanger was for several years a member of the Massachusetts Legislature, became chaplain of the State Senate in 1838, taught a private school in his parish, and attended, after his graduation, all the commencements at Harvard, from which he received the degree of D. D. in 1857.



GEORGE P. SANGER.

George Partridge Sanger, the second son and child of Rev. Ralph Sanger, D. D., and Charlotte Kingman, his wife, was born in Dover, Norfolk county, Mass., November 27, 1819, and was named after his uncle, George Partridge, who was born in 1742 and died in 1818. That uncle was graduated from Harvard in 1762, served as sheriff of Plymouth county, and was a member of congress from the Plymouth district in 1789–91. Mr. Sanger fitted for college under his father and at the Bridgewater Academy under Dr. Washburn in 1833 and John Angier Shaw in 1834. He taught a winter school in the west district of Dover in 1834 and in Sharon, Mass., in 1835 and in 1836 entered Harvard University, from which he was graduated in 1840. From November, 1840, to July, 1842, he taught a private school in Portsmouth, N. H., and in the latter year was appointed

proctor at Harvard, where he also entered the Harvard (Dane) Law School, receiving the degrees of LL.B. and A. M. in course. On the death of Robert Bartlett in the spring of 1843 he became tutor in Latin and served as such until the summer of 1846. Afterward he was for several years a member of the committee for examination of undergraduates in Latin.

Mr. Sanger was admitted to the bar in Boston in the spring of 1846, and the same year formed a copartnership with his classmate in the law school, Stephen H. Phillips, of Salem, for the practice of his profession. In 1849 he became assistant to Hon. George Lunt, United States attorney for the district of Massachusetts during the Taylor-Fillmore administration, and later he resumed the general practice of law, mostly in the admiralty. Governor Clifford appointed him on his military staff in January, 1853, and in the following October he became district attorney for the Suffolk district. This latter appointment caused him to remove from Charlestown to Boston, where he resided until 1867, when he moved to Cambridge. While in Charlestown he was active and influential in the inauguration of the new city government and served two years each on the School Committee and Board of Aldermen. He also took a deep interest in the State militia, being the first captain of the Charlestown City Guards, one of the most noted military organizations in the Commonwealth. In 1853–54 he commanded the Ancient and Honorable Artillery Company of Massachusetts.

He was district attorney for Suffolk county from October, 1853, until the summer of 1854, when Gov. Emory Washburn appointed him a judge of the Court of Common Pleas, which position he filled with ability and honor until that court was abolished in 1859. He then resumed the practice of law in Boston. Judge Sanger succeeded Mr. Cooley in 1861, by appointment, as district attorney for Suffolk county, and was elected that fall for the remainder of the term of three years, and was re-elected in 1863 and again in 1866, and declined another election in 1869. In this capacity he achieved the highest distinction, and added greatly to his already recognized prominence at the bar. He was a member of the Boston Common Council in 1860, president of the John Hancock Mutual Life Insurance Company from its organization until 1873, and a member of the lower house of the Legislature from the Seventh Middlesex district in 1873. In June of that year he was appointed by President Grant United States attorney for the district of Massachusetts, and was reappointed by President Hayes in 1877 and by President Arthur in 1882. At the expiration of his term of service under the last appointment, in April, 1886, he resumed the general practice of law in Boston, but in a few months an affection of the eyes, which had previously troubled him somewhat, became serious. He submitted to an operation, which was highly successful, and permitted him to be active in his professional work again until a weakness of the heart developed, which made it necessary to give up all work and later submit to medical treatment. He died at the residence of his son in Swampscott, Mass., July 3, 1890, and was buried at Mount Auburn.

From the time he came to the bar in 1846 Judge Sanger spent much labor in *quasi* literary work. He was editor of the "American Almanac and Repository of Useful Knowledge" from 1848 to 1860, editor of the "Law Reporter" during two different periods, and editor of the Statutes at Large of the United States from 1855 to 1873, being volumes 11 to 17 inclusive. In 1860 he and Judge William A. Richardson were appointed by the Legislature of Massachusetts to prepare and supervise the publication of the General Statutes of that year. Afterward, by a resolve of the Legislature, they were appointed commissioners to prepare and publish an annual supplement to the General Statutes, and they did this for twenty-one years, until the General Statutes were superseded by the Public Statutes of 1882.

Judge Sanger was an eminent lawyer, and for many years was one of the leaders of the Boston bar. His ability before a court and jury,

his profound knowledge of the law, his great force of character, and his indomitable industry were universally recognized and admired. He was a man of the loftiest integrity and honor, and always manifested a deep interest in all public affairs.

December 14, 1846, he was married to Elizabeth Sherburne Thompson, only child of Capt. William Whipple and Eleanor Sherburne (Blunt) Thompson, of Portsmouth, N. H. She died in Cambridge, Mass., April 14, 1887. They had five sons, of whom Henry Clifford Sanger, born in 1855, died in infancy. The others were all graduated from Harvard University—John White in 1870; William Thompson in 1871; George Partridge in 1874; and Charles Robert in 1881.

FRANCIS CABOT LOWELL, Boston, judge of the United States District Court for Massachusetts, is the son of George Gardner Lowell and Mary Ellen Parker, and was born in Boston on the 7th of January, 1855. He is a great-great-great-grandson of Rev. John Lowell, a graduate of Harvard in the class of 1721, whose son, John Lowell, LL.D., was the first United States district judge in Massachusetts from 1789 to 1801 and chief justice of the United States Circuit Court for this circuit in 1801–2. His great-grandfather, Francis Cabot Lowell, was one of the founders of cotton manufacturing in the United States and was honored by having his name given to the city of Lowell, and his grandfather, also named Francis Cabot Lowell, was a manufacturer and the actuary of the Massachusetts Hospital Life Insurance Company. These and other members of this distinguished family are noticed more fully in the memoir of John Lowell, LL.D., judge of the United States District Court from 1865 to 1878 and of the United States Circuit Court from 1878 to 1884, which appears in this work. George Gardner Lowell was graduated from Harvard University in 1850.

Francis Cabot Lowell was prepared for college in Boston at the private school of G. W. C. Noble. He was graduated with honor from Harvard University in 1876 and afterward studied law two years at the Harvard Law School, and continued his legal studies in the office of Charles P. Greenough. From 1880 to January 1, 1882, he was private secretary to Chief Justice Horace Gray. He was admitted to the Suffolk bar in May, 1880, and at once entered upon the active practice of his profession as a partner of A. Lawrence Lowell. In



FRANCIS C. LOWELL.

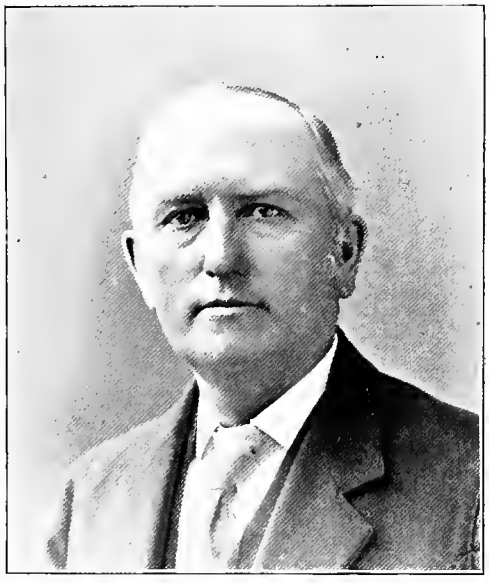
1891 the firm of Lowell & Lowell became Lowell, Stimson & Lowell by the addition of Frederick J. Stimson. In 1897 it was again changed to Lowell, Stimson & Stockton. On January 10, 1898, Mr. Lowell was appointed by President McKinley as judge of the United States District Court for Massachusetts, an office which one of his ancestors and another of his kinsmen had filled with honor and distinction. It may also be noted as a peculiar coincidence that not only was the first judge of this court a Lowell, but that this—the nineteenth—century commenced and is closing with representatives of the family, with three generations intervening, on its bench.

Judge Lowell's practice at the bar was varied

in character, and not a little of his time was given to politics. He has taken an active interest in public affairs, filling several positions with credit to himself and satisfaction to his friends. He was a member of the Boston Common Council in 1889, 1890, and 1891, and a member of the House of Representatives of Massachusetts in 1895, 1896, and 1897, and was re-elected for 1898, but resigned in the first week of the session on account of his appointment to the bench. In 1895 he served on the judiciary committee, and in 1896 and 1897 he was chairman of the committee on ways and means. In politics he is a Republican. He has also done considerable literary work, being the author of a "Life of Joan d'Arc" and of several magazine articles which have commanded attention and received favorable criticism. In collaboration with A. Lawrence Lowell he wrote a valuable legal work on the "Transfer of Stock in Private Corporations," which was published in 1884. He is a fellow of the corporation of Harvard University and prominently connected with various charitable and other organizations.

Judge Lowell was married in November, 1882, to Cornelia Prime Baylies, daughter of Edmund Lincoln Baylies, late of New York and of Taunton, Mass.

MARQUIS FAYETTE DICKINSON, Boston, son of Capt. Marquis Fayette and Hannah Shepard (Williams) Dickinson, was born in Amherst, Mass., January 16, 1840. His first American ancestor, Deacon Nathaniel Dickinson, came from the cathedral town of Ely, near Cambridge, England, and was among the earliest colonists of Massachusetts. Deacon Dickinson first settled in Watertown, but a little later joined the band of Connecticut adventurers, and became one of the original proprietors of Wethersfield, as is shown by the location of his house lot on the first map of that town. He was a prominent and influential citizen there, serving as a member of the Legislature and for twenty years as town clerk, besides holding other offices of trust and honor. As a result of the religious controversies which agitated the infant colony of Connecticut he removed from Wethersfield in 1658 to a point about forty miles up the river and was one of the principal founders of Hadley, Mass. There he laid out the broad street, twenty rods wide and a mile long, that has become so famous, and which has been admired by residents and



M. F. DICKINSON, JR.

visitors for eight generations. In his new home also he was prominent both in church and state affairs. He died at an advanced age in 1676, during the excitement of King Philip's war, in which Hadley was the headquarters of the army of defense. Two of his sons were killed in that struggle, to one of whom, Joseph, who fell with Captain Beers, a monument has been erected in Northfield. The other, Azariah, was killed in what is known as the "Swamp Fight."

Lieut. Nehemiah Dickinson, one of the sons of Deacon Nathaniel and the ancestor of Marquis F., was active in the Indian wars and died at the age of seventy-nine, in 1723, at Hadley, where his gravestone may still be seen in the old burial ground. His son, Deacon Sam-

uel Dickinson, removed to Shutesbury, Mass., some twelve miles to the eastward, and died there, leaving four sons, who, about 1742, were among the original settlers of Amherst, then known as the first precinct of the great town of Hadley. Nathaniel Dickinson, one of these four sons, settled (in 1742) on the farm which has ever since remained in the family, and on which the subject of this sketch was brought up. He also was prominent in town affairs.

His son, Nathaniel Dickinson, esq., popularly known as "Squire Nat," born September 1, 1750, was a noted character in his day. He was the first boy that ever went to college from the town of Amherst, and was graduated from Harvard in 1771. He was indentured to read law with the celebrated Major Joseph Hawley, of Northampton, and practiced his profession in Amherst with marked success. He was a leader in town affairs, always holding prominent official positions there, and was widely known as the local magistrate for eastern Hampshire. He was chairman of the "Committee of Correspondence" for the town of Amherst during the Revolutionary war, and represented that town in the first and second Provincial Congresses in 1774 and 1775, as well as in that of 1778. He died November 10, 1802, leaving an only son, Walter Dickinson, who died in 1851.

Capt. Marquis Fayette Dickinson, son of Walter, was born January 4, 1814, and is still living (in July, 1899) on the ancestral estate in Amherst. He has been active and influential in local affairs, being prominent in the militia, and serving repeatedly as selectman, assessor, overseer of the poor, etc. He married Hannah Shepard Williams, of Shutesbury, born in 1817, daughter of Asa Williams, who served for three years in the Continental army under Washington, participating in the capture of the Hessians at Trenton and in various engagements in New Jersey and eastern Pennsylvania. Mrs. Dickinson also is still living, one of the very few children of Revolutionary soldiers still surviving in Massachusetts.

From these worthy ancestors Marquis Fayette Dickinson, the subject of this sketch, inherited not only a strong and vigorous constitution, but rare intellectual powers and great force of character. While a boy he manifested those qualities which make the successful man. After attending the public schools, and Amherst and Monson Academies, he entered Williston Seminary at Easthampton, from which he was graduated in 1858. He then entered Amherst College and was graduated with highest honors in 1862, having given special attention to the study of history, English literature and the classics. During the next three years he was a teacher of the classics in Williston Seminary. But his tastes and inclinations were for the law, and resigning his position he entered upon his legal studies in the office of the late Judge John Wells and Judge Augustus Lord Soule, at Springfield. He studied afterwards at the Harvard Law School and with Hon. George S. Hillard of Boston, and was admitted to the Suffolk bar in 1868. Since then he has been actively engaged in the practice of his profession in Boston. Soon after his admission he became assistant United States attorney under Mr. Hillard, and in 1871, after filling that position three years, he formed a copartnership with Mr. Hillard and the late Henry D. Hyde, under the firm name of Hillard, Hyde & Dickinson. Upon Mr. Hillard's death in 1879 the firm became Hyde, Dickinson & Howe, which continued until the death of Mr. Hyde in April, 1897.

Mr. Dickinson has occupied a leading place at the bar almost from the beginning of his professional career. His abilities as a counselor and advocate, his energy and wonderful force of character, his rare good judgment, and his ready grasp of legal technicalities are widely recognized and admired, and he is conceded to be one of the ablest and foremost members of the Boston bar. He is especially strong as a court and jury lawyer. His specialty has been in the line of common law assignments, bankruptcy, and insolvency, and during the last ten years he has been prom-

inently before the courts in the trial of tort cases, particularly for the West End Street Railway Company and its successor, the Boston Elevated Railway Company. He is possessed of a remarkably accurate and retentive memory, a ready command of the English language and the power to digest and present facts in a most pleasing and comprehensive manner. These characteristics also make him an eloquent and forceful orator. He has always been a Republican in politics and in his younger days took an active and prominent part in public affairs.

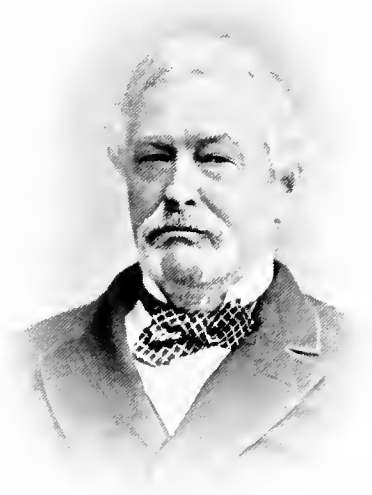
In 1871 and 1872 he was a member of the Boston Common Council, serving as president of that body in the latter year. He has also been a trustee of the Boston Public Library and a member of the Boston School Committee. He is one of the overseers of the Charity Fund of Amherst College, president of the board of trustees of Williston Seminary, and is officially connected with the management of several important manufacturing corporations, being president of the Whitcomb Envelope Company, of Worcester, and of the Nashawannuck Manufacturing Company, of Easthampton, Mass., the latter one of the largest suspender producing concerns in the world. He has been a member of the Summer Street Fire Commission since its organization just after the great Boston fire of 1872. For several years Mr. Dickinson delivered a course of lectures at the Massachusetts Agricultural College at Amherst, his topic being "Law as applied to Rural Affairs." As a public speaker and orator he has delivered a number of addresses before agricultural fairs, Memorial Day gatherings, legislative committees, etc. An address before the Legislature entitled "Legislation on the Hours of Labor," another "A Centennial Address," at Amherst, Mass., in 1876, and a third at the dedication of the "Joshua Hyde Library" at Sturbridge in 1897, are among his many notable efforts. As a citizen he worthily represents those principles of freedom and progress which so signally distinguished his ancestors, and which have won for him a most honorable place in the ranks of the leading men of to-day.

November 23, 1864, Mr. Dickinson was married at Easthampton, Mass., to Cecilia Risk Williston, foster daughter of the late Hon. Samuel Williston, founder of Williston Seminary, and a prominent manufacturer of Western Massachusetts. They have had three children: Williston, born in February, 1869, died in August, 1872; Charles, born July 17, 1872, who was graduated from Harvard in 1896, 125 years after the graduation at the same institution of his great-great-grandfather, "Squire Nat," and has since completed a course at the Harvard Law School; and Florence, born February 10, 1875, died August 27, 1875. They also have a foster daughter, Jean Couden Dickinson, born January 22, 1884, daughter of Rev. Henry Noble Couden, the blind chaplain of the United States House of Representatives at Washington, and Lydia Jane Dickinson, his wife, Mr. Dickinson's eldest sister, who died at Chatham, Mass., in February, 1884.

Mr. Dickinson had two younger brothers: Col. Asa W. Dickinson, a graduate of the Massachusetts Agricultural College at Amherst, of the well known law firm of Dickinson, Thompson & McMaster, of Jersey City, N. J., who died January 9, 1899, and Walter M. Dickinson, who was graduated from West Point in 1880, captain in the 17th U. S. Infantry, military instructor at the Massachusetts Agricultural College from 1892 to 1896, who fell mortally wounded in the battle of El Caney, July, 1898, and died on the field the following night.

FRANCIS AUGUSTUS BROOKS, Boston, prominent for more than twenty-three years in leading railroad and corporation cases in New England, is the son of Aaron and Abby Bradshaw (Morgan) Brooks, and was born in Petersham, Mass., May 23, 1824. He is a lineal descendant of Thomas Brooks, who came

to this country from England and settled in Watertown, and who subsequently removed to Concord, Mass., where he died in 1667. His father, Aaron Brooks, son of Aaron Brooks, sr., of Petersham, was graduated from Brown University in 1817, became an eminent lawyer in Worcester county and served as a representative to the General Court in 1834 and 1835.



FRANCIS A. BROOKS.

Mr. Brooks's paternal grandmother, the wife of Aaron Brooks, sr., was a daughter of Jonathan Grout, of Petersham, who was seven times elected to the Massachusetts House of Representatives and twice to the State Senate, and who was a member of the Massachusetts convention that ratified the Federal Constitution and of the first Congress of the United States held under that Constitution. Mr. Grout was also a member of the Provincial Assembly held at Watertown and rendered military service in the French and Indian wars. In the war of the Revolution he was very active and influential, especially as a civilian, and held a commission as colonel of Massachusetts militia.

Mr. Brooks received a liberal education, preparing for college at Leicester Academy, then one of the best intermediary schools in the country. In 1838 he entered Harvard College, from which he was graduated with honors in 1842, being the youngest member of his class. During the next three years he devoted himself to the study of law, first in the Harvard Law School and afterward in the offices of his father in Petersham and of Aylwin & Paine in Boston, and in 1845 he was admitted to the bar in Worcester county. He practiced in Petersham until 1848, when he removed to Boston, where he has ever since resided, and where he built up a large and successful law business.

Until 1875 Mr. Brooks was chiefly engaged in patent cases. Since then his attention has been given chiefly to railroad or corporation law. One of the most notable of these latter cases was between the Vermont Central and the Vermont and Canada Railroads, two Vermont corporations. This was one of the earliest cases in which some of the courts of this country took a new departure and began to take possession of and operate railroads by placing officers —styled receivers—in charge and management of them, without limitation of time, and to declare and decree that debts incurred by managers so appointed should have priority in right of payment over obligations to previously existing creditors secured by mortgage. This case was twice argued and heard before the Supreme Court of Vermont and is reported in the 53d and 54th volumes of Vermont Reports. The principal object of the suit was to subject the Vermont and Canada Railroad, whose road was under lease to the Vermont Central corporation, to liability for the debts of the lessee management. This was resisted by the lessor and the first decision made was favorable to the lessor. Thereupon, the judiciary of Vermont being elective, the judge (James Barrett) who had written the opinion in favor of the defendant, failed of re-election. The decision made after this change in the membership of the court was adverse to the Vermont and Canada corporation and the corporation was thereby made bankrupt.

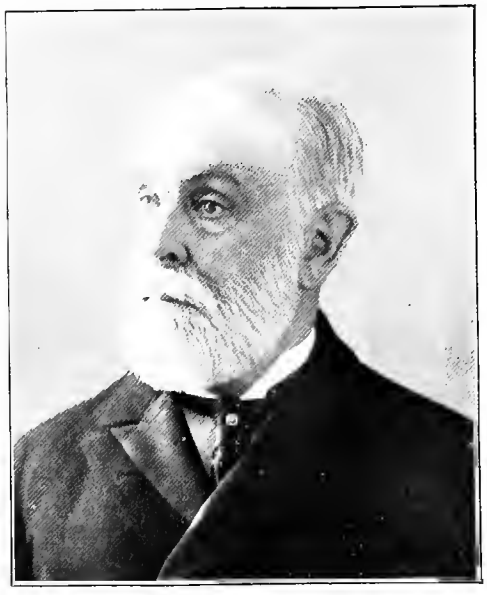
He is not only an able lawyer, well grounded in the principles of jurisprudence, but he is also a good financier and a strong executive manager, and for many years he has been one of the ablest as he is now one of the oldest members of the Boston bar. While practicing his profession he has given much time to the study of questions of constitutional law, notably the Force bill and the currency problem, and he has published his views in numerous contributions to the daily press and in pamphlet form. In 1890 he published a pamphlet entitled "Political and Financial Errors of our Recent Monetary Legislation," and another in 1891 in criticism or review of the "Legal Tender Decisions of the Supreme Court." As a writer he is clear, forcible and convincing, and his productions have attracted wide attention. In the pamphlets just mentioned, relating to the legislation of Congress in the acts known as the National Currency Act of 1864, the Bland-Allison Act of 1878, and the Sherman Act of 1890, he contended that these measures for furnishing the country with a circulating medium of paper money made legal tender were not within the power of Congress under the Constitution. These pamphlets are valuable contributions to the literature of the subjects treated.

Mr. Brooks was president of the Vermont and Canada Railroad Company, and has for many years past been president of the Nashua and Lowell Railroad Corporation.

He was married September 14, 1847, to Frances, daughter of Caleb and Clarissa (Varnum) Butler, of Groton, Mass., and of their children there are now living three sons: Frederick and Charles Butler Brooks, of Boston, and Morgan Brooks, professor of electrical engineering in the University of Nebraska. Caleb Butler, father of Mrs. Brooks, was graduated from Dartmouth College in 1800, became a prominent lawyer, and was principal of the Groton Academy for eleven years and postmaster of Groton for thirteen years. He was also the author of a History of Groton.

GEORGE ARNOLD TORREY, A. M., Boston, general counsel of the Fitchburg Railroad, is the son of Ebenezer and Sarah (Arnold) Torrey, and a grandson of John Torrey, a respected farmer of Franklin, Mass., and was born in Fitchburg, Mass., May 14, 1838. His father was a prominent lawyer in that city, and for over fifty years the cashier and president of the Fitchburg National Bank.

Mr. Torrey attended the Fitchburg public schools and the Leicester Academy, and was graduated from Harvard University in 1859, receiving therefrom the degree of A. M. in course in 1862. On leaving college he took up the study of law with Wood & Bailey, of Fitchburg, and also entered the Harvard Law School, where he received his degree of LL.B. in 1861. Coming to the Worcester county bar in June of the same year he began active practice in Fitchburg as a partner of Nathaniel



GEORGE A. TORREY.

Wood. The firm of Wood & Torrey conducted a large and successful business until 1873, when Mr. Torrey removed to Boston, where he has since practiced alone. Mr. Torrey rapidly gained a high standing at the Fitchburg bar, his ability and industry, his broad legal at-

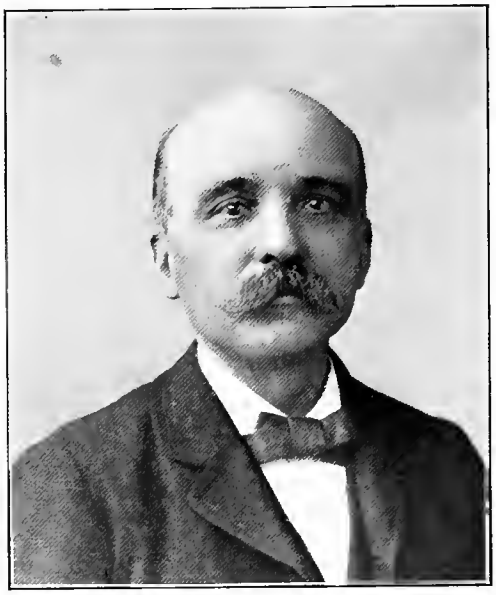
tainments, and his personal qualities and force of character bringing him into almost immediate prominence. The general practice upon which he entered soon developed into the more specific channels of corporation and railroad law, to which he has devoted his energies for several years. He has probably tried as many railroad cases as any other member of the Massachusetts bar. In 1887, after serving some time as counsel, he was appointed to the newly established office of general counsel of the Fitchburg Railroad Company, which he has since filled with signal ability and satisfaction. He is an eminent lawyer in the department of jurisprudence relating to railways, and has won distinction before courts and juries as well as in chamber practice.

In politics he is a Republican. He was a member of the Massachusetts Senate from Worcester county in 1872 and 1873, and served as a member of the committees on judiciary and towns in the former year and as chairman of the committees on judiciary and federal relations in 1873. He also took a prominent part in the enactment of the general railroad law of 1872 and in the special session which was convened on account of the great Boston fire of the same year. He was one of the original directors of the Boston, Clinton and Fitchburg Railroad, now a part of the Old Colony system. He is a member of the Algonquin Club of Boston and of the Phi Beta Kappa fraternity. He is an omniverous reader and an enthusiastic collector of books, and is well posted in all branches of literature. As a citizen he is highly esteemed and respected for those sterling principles which characterize the typical New Englander.

Mr. Torrey was married June 20, 1861, to Miss Ellen M., daughter of Daniel H. Shirley, of Boston.

JAMES ROBERT DUNBAR, Boston, associate justice of the Superior Court of Massachusetts from 1888 to 1898, is the son of Henry W. and Elizabeth (Richards) Dunbar, and a grandson of John Dunbar and Ann Dolmage, and was born in Pittsfield, Mass., December 23, 1847. His father moved with his parents from New York State to Pittsfield in early life, and for many years was superintendent of the Pomeroy Woolen Mills. He still resides there, his wife having died in 1856.

Judge Dunbar attended the public schools of his native town and was graduated from the High School in 1867. Prior to this, however,



JAMES R. DUNBAR.

he had filled various positions in the Pittsfield post-office, becoming chief clerk. In 1867 he entered Williams College, from which he was graduated with honor in 1871, having an oration at commencement and being elected a member of the Phi Beta Kappa. On leaving college he began the study of law at Westfield, Mass., in the office of Hon. Milton B. Whitney, formerly State senator, etc., with whom he remained until 1873, when he entered the Harvard Law School. The next year he returned to Westfield, and in April, 1874, was admitted to the Hampden bar at Springfield. He then formed a copartnership with Mr. Whitney, which continued under the firm name of Whitney & Dunbar until January, 1887.

when the junior partner withdrew. Mr. Dunbar subsequently practiced in Westfield alone until March, 1888, when Governor Ames appointed him an associate justice of the Superior Court of Massachusetts. He filled this position with great credit and ability, resigning it March 7, 1898, to resume the practice of his profession in Boston as the senior member of the firm of Dunbar & Rackemann, the junior partners being Charles S. and Felix Rackemann.

While in Westfield Judge Dunbar's practice was of a general character, and frequently brought him into court, where his broad and comprehensive knowledge of the law, his fine legal attainments, and his power for argument gained for him an enviable reputation and a high standing at the bar. He took a leading position as an able counselor, and also displayed those rare judicial qualifications which subsequently made him a respected jurist. On the bench he achieved honor and eminence. His opinions always commanded respect. After ten years of judicial labor he resigned to take up the active practice of his profession, which is now largely in the departments of corporation and trust law.

In politics Judge Dunbar has always been a Republican. He represented Hampden county in the Massachusetts Senate in 1885 and 1886, and served as chairman of the committee on election laws and of the special investigation committee, and member of the committee on judiciary in 1885, and as chairman of the committee on election laws, member of the committees on judiciary, bills in third reading and on revision of the judicial system in 1886. By appointment he served a few months in the year 1887 as district attorney of Hampden county to fill a vacancy caused by the election of Andrew J. Waterman to the office of attorney-general. Judge Dunbar was also a member and chairman of the School Committee of Westfield for a time. In April, 1888, he moved to West Newton, Mass., and in the spring of 1890 to Brookline, where he has been a member of the School Committee since 1895 and is now (1898) its chairman. In 1897 he succeeded the late Judge John Lowell, by appointment of Governor Wolcott, as chairman of the commission to inquire into the expediency of revising and amending the laws of the Commonwealth of Massachusetts relating to taxation. He has been a delegate to several political conventions, and as chairman of the committee on resolutions in the Republican State Convention of 1887 drafted the platform for that year. He is a member of the executive committee of the University Club of Boston, a member and former president of the Thursday Club of Brookline, and a member of the Harvard Musical Association of Boston and of the Brookline Education Society. As a citizen he is public spirited and progressive, manifesting a patriotic interest in every worthy enterprise, and liberally supporting all movements which give promise of advancement to the community.

He was married May 15, 1875, to Harriet P., daughter of George A. and Electa M. (Lincoln) Walton, of West Newton, Mass., and they have five children: Ralph Walton, who was graduated from Williams College in June, 1898; Philip Richards, a student at Williams College, class of 1900; and Ruth, Helen Lincoln, and Henry Fowler.

WILMON WHILLDIN BLACKMAR, Boston, is the son of Rev. Joseph and Eliza J. (Philbrick) Blackmar, and was born in Bristol, Pa., July 25, 1841. While he was yet a boy the family moved to Boston, where he attended the Brimmer Grammar School. Afterward he went to the Normal School at Bridgewater, and was fitting for college at Exeter, N. H., when the war of the Rebellion broke out. He enlisted in the 15th Pa. Cav. as a private, and was promoted through all the non-commissioned grades to be orderly sergeant, when he was promoted to a lieutenancy and transferred to the 1st W. Va. Vet. Cav., and served under Custer, who made him a captain on the battlefield of Five Forks. This promotion was earned by unusual bravery and heroism in the final dash which won the

victory of April 1, 1865, and is best described in the words of a Boston writer: "A charge of cavalry had been made in a wrong direction; they were being flanked by the enemy; Lieutenant Blackmar was ordered to change their course. He did so, but the line hesitated. Without orders he forced the colors forward in the new direction across a ravine under heavy fire, and rallied the troopers to follow

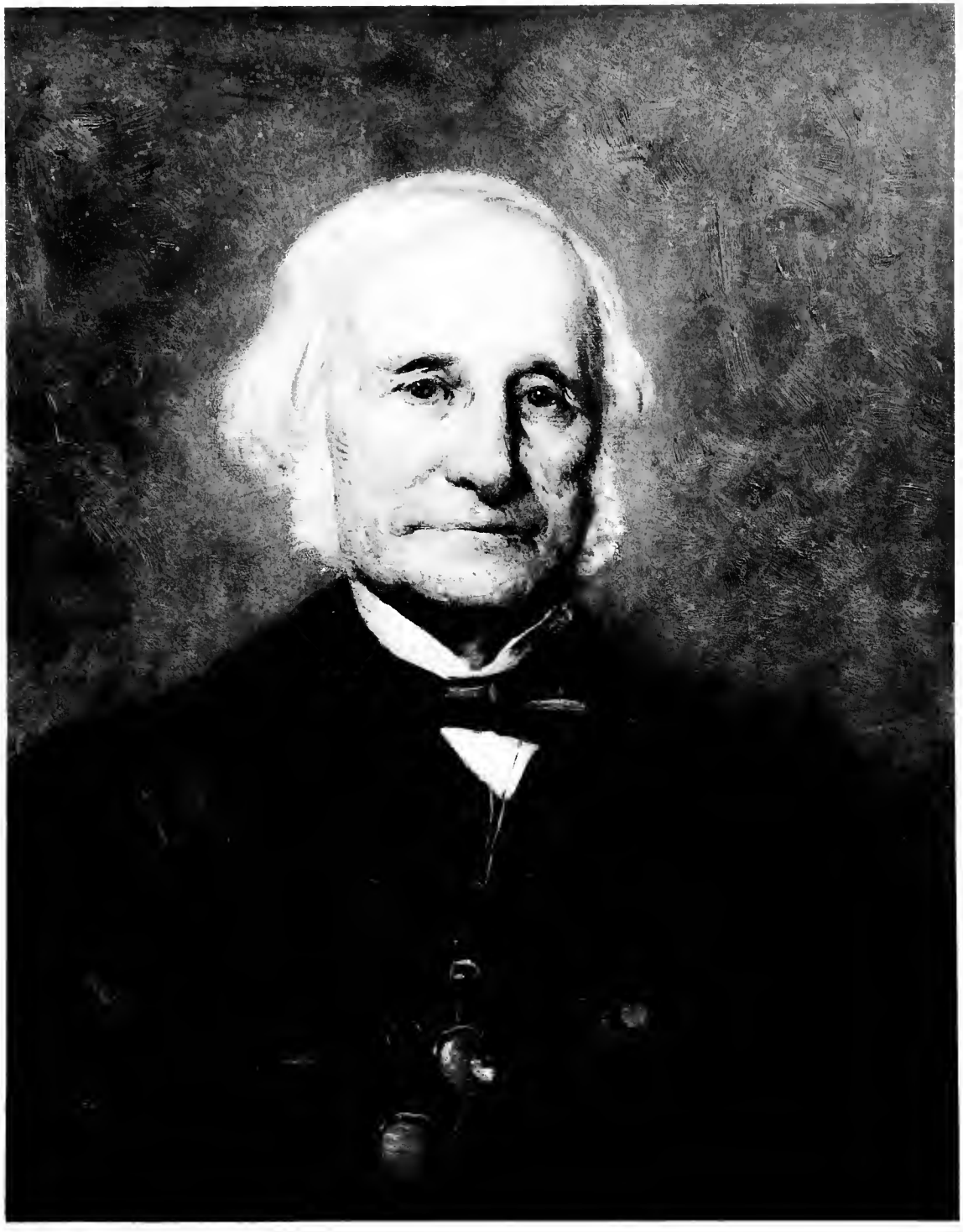


WILMON W. BLACKMAR

in a splendid charge, which took the enemy's position, and helped to change the fate of the day." A chance made General Custer a witness of the brilliant movement, and he promoted Blackmar to a captaincy on the spot, and in 1897, thirty-two years afterward, the government rewarded him by a Congressional Medal of Honor—a tardy recognition of such bravery, but one which made the claim all the more noteworthy and just. He was also detailed as adjutant-general of his brigade and division provost-marshal.

General Blackmar fought at Antietam, Stone River, Chickamauga, Chattanooga, and in the Shenadoah Valley campaigns in Sheridan's Cavalry at Richmond, Petersburg, Five Forks, Appomattox Court House, and in many other engagements, to the end of the war, and always with bravery, coolness and honor. Returning from the front he entered the Harvard Law School and was graduated with the degree of LL.B, in June, 1867. In July of the same year he was admitted to the Suffolk bar, and since then he has been engaged in the active and successful practice of his profession in Boston. Much of his law business is now in the care of estates and trusts. For twenty years he was a partner of Henry Newton Sheldon, now (1898) associate justice of the Superior Court of Massachusetts. General Blackmar is an able lawyer and advocate, a man of the highest integrity, and a citizen imbued with lofty patriotism, uniting energy and true manhood. He was a founder and the first commander of Post 113 G. A. R., has served as judge-advocate of the Department of Massachusetts G. A. R., and for ten years was judge advocate-general of the Commonwealth. He is an ardent Republican and served two years (1871–72) in the Boston Common Council, but has held no other political office. He is a member of the Military Order of the Loyal Legion of the United States, a prominent Freemason, and a member of the Union and Art Clubs of Boston, and of the Bar Association of the city of Boston since its inception in 1876. He is also a director of the Nantasket Beach Steamboat Company and of the Hamilton Woolen Company, and vice-president and a director of the Boston National Bank. He resides in Boston, on Commonwealth avenue, and has a summer home at Hingham, the latter being one of the finest and handsomest estates in the country. He is an able and eloquent public speaker, and has made a number of important addresses.

General Blackmar was married November 17, 1880, to Helen R., daughter of the late John R. Brewer, of Boston.



SIDNEY BARTLETT, LL.D., Boston, for many years the acknowledged leader of the Massachusetts bar, was the son of Dr. Zaccheus and Hannah (Jackson) Bartlett, and the sixth in lineal descent from Robert Bartlett, who came to Plymouth in the ship Anne in 1623, and who in 1628 married Mary, daughter of Richard Warren, who came over in the Mayflower in 1620. He was descended on both sides from a goodly number of the Pilgrims, from whom he inherited those characteristics which pre-eminently distinguished him in the legal profession. His father was a wise and skillful physician in Plymouth. His mother was one of a family of Jackson, "a name which in her day and generation, stood for strict integrity and a sturdy strength of will and character; and it was from her that he derived in great part that vigor of constitution, physical and mental, which carried him to such length of days and such high eminence. It was to her resolute will that Mr. Bartlett owed his college education and his opportunity for a professional career; for her care and her sacrifices she was amply repaid by the pride which she took in her son's success, and the thorough filial devotion which cheered her ripe old age."

Mr. Bartlett was born in Plymouth, Mass., February 13, 1799, and received his primary education in his native town. He was graduated from Harvard College in 1818, in the same class with Samuel Todd Adams, Samuel Barrett, George Choate, Frederick A. Farley, Robert Treat Paine, George R. Noyes, George Osborne, George W. Otis, Thomas Worcester, and others. He then taught school for a short time in Scituate, Mass., and afterward he read law in Plymouth for one year with Nathaniel Morton Davis. On September 15, 1820, he entered the office of Lemuel Shaw in Boston. He was admitted to the bar in the Court of Common Pleas October 2, 1821, to the bar of the Supreme Judicial Court in March, 1824, and to the bar of the Supreme Court of the United States in 1854. Upon his admission to practice in 1821 he formed a copartnership with his instructor, Mr. Shaw, which continued until the latter became chief justice of the Massachusetts Supreme Judicial Court in 1830. He spent his entire professional career in Boston and was engaged in active practice until a few days before his death, which occurred March 6, 1889, in his ninety-first year.

It was always Mr. Bartlett's habit of mind to perceive with absolute clearness the principles upon which the decisive questions of a case must turn, and to confine his argument closely and strictly to them. Without ornament or rhetorical grace he addressed himself directly to the determining point. Capable of great labor, never losing his equanimity and self-possession, he followed the one course that he had chosen with a devotion and ability, and a success so remarkable, that his practicing law to the age of ninety with scarcely no abatement of vigor made him one of the most conspicuous figures among his countrymen. He was not a classical scholar, but he acquired by hard work a great fund of general information, and in an argument was a most dangerous opponent. He was full of courage, was never surprised, and possessed great self-reliance. He was considerate of the feelings of others, sociable and hospitable, and was held in universal respect.

On one occasion a young lawyer, who became tired and discouraged in trying what proved to be a hard case, went to Mr. Bartlett one night for advice. The latter took the young man into his library and, without expectation of reward, spent two or three hours in advising him how to meet the various points. He would have done the same with the most insignificant member of the bar under similar circumstances. He honored the bar as an institution with all his heart; he gloried in its great and noble traditions; and his highest ambition was to illustrate and promote its just dignity and honor. The partner of Shaw, the friend and compeer of Curtis, the contemporary of Choate, Webster, Dexter, and others, he stood for nearly two generations among the foremost lawyers in America. He first appears in the

Massachusetts Reports in Eaton v. Whiting, 3 Pick., 484, at the March term of 1826, with Lemuel Shaw and against Richard Fletcher. His first appearance in the United States Supreme Court was in 1855, in Iasigi v. Brown, 17 How., 183, and thereafter he was active in that tribunal, "directing by his wise counsel those vast enterprises which united oceans and covered the continent."

Mr. Bartlett was in mental constitution eminently just and true; fair and open minded; ready to hear both sides of all questions of politics, religion, or casuistry, and justly recognized and weighed the force of either argument. He was a thorough optimist, enjoyed life to the utmost, and accumulated a very large fortune. He always did his best, was thorough in all he undertook, and achieved success because he worked for it. His mind certainly possessed an element nearer akin to genius than his power of work, in that instinctive, intuitive perception which enabled him so unerringly to detect the ruling principle of his case, and to follow it with a logic which no fallacy could mislead or elude. The late William Goodwin Russell, who was related to Mr. Bartlett said of him:

"He condensed the expression of his thought to such a degree that it sometimes overtaxed the closest attention as he delivered his oral argument, and no single reading of his written argument would suffice; yet his style was as clear as it was compact. It sounded strangely to hear it said that he was a fluent speaker; but the statement, duly considered, will be found true. The labor was in the thought, which was forged with infinite pains; but the words always came in due order, never with hesitancy, never recalled. Mr. Bartlett was nowhere more warmly welcomed than before the Supreme Court of the United States, where for nearly forty years he had been a leader, and for years perhaps the leader of the bar. On his last visit to Washington, that court, through its late chief justice, *sua sponte*, assigned a day for the hearing of his cause, in recognition of his long and faithful service—a favor which he would have been the last to ask, but a graceful compliment which he might well be pleased to accept."

Mr. Bartlett's rise to a place of distinction, or more properly of leadership, was not remarkably rapid. But he soon became known for his thorough preparation of cases in which he was engaged as junior counsel. He was not a learned lawyer; that is to say, he had never studied law with the method and system with which it is studied now in the law schools. He was not learned in comparison with Chief Justice Parsons or Story or Choate. But he had a strong mind and remarkable legal acumen. He studied his cases until they were threadbare. And in the course of years, doing so much business, he became, if not a leading lawyer in the pedantic sense of the term, a lawyer of learning and of great acquirements.

The wonderful vitality, physical and mental, which enabled Mr. Bartlett to hold his unchallenged place at the head of the Massachusetts bar until he had passed his ninetieth birthday is the feature of his case which naturally impresses one most powerfully. Within a month prior to his death, in the ripeness of his physical and intellectual vigor, he stood in his place before the Supreme Judicial Court and argued a case with almost unabated fire, and with a clearness of utterance and a profoundness of thought which might well be envied by any of his associates. This was the cause of the daughter of his old friend, that staunch old patriot, Mr. Petigru, once the leader of the South Carolina bar.

Chief Justice Shaw once said to Mr. Bartlett, when he was arguing a case: "If you would state your line of reasoning a little more fully, Mr. Bartlett, we should like to have you. Your mental operations are so rapid that others do not sometimes see the connections between your premises and conclusions so readily as you do."

That Mr. Bartlett was witty is shown by his courteous and respectful retort to Judge Horace Gray, now of the United States Supreme Court.

In reply to a position enunciated by Mr. Bartlett, in a certain argument before him, Judge Gray exclaimed somewhat brusquely: "That is not law, Mr. Bartlett, and it never was law." Mr. Bartlett, bowing low, in respectfully modulated tones, replied: "It was law, until your honor spoke."

At a meeting of the Suffolk bar held March 23, 1889, suitable resolutions were adopted and entered upon the records of the Supreme Judicial Court. These resolutions were, in part, as follows:

"The members of the Suffolk bar unite in this expression of their sentiments upon the death of Mr. Sidney Bartlett, who for nearly seventy years was a member of this bar, and for a long period preceding and until the day of his death was its distinguished and honored leader.

"Mr. Bartlett was pre-eminently a lawyer. Allegiance to the law was the master passion of his life. He loved the brotherhood, and was foremost in all that tended to maintain its usefulness and uphold its character.

"His learning was accurate and adequate, but his characteristic superiority consisted in his firm and comprehensive grasp of legal principles and his ability to deal with them with unsurpassed facility and power. In all the high qualities essential to their thorough exposition and successful application — clear perception, searching analysis, inexorable logic, scientific precision of thought and statement, a terse and cogent style, and an unerring and imperturbable practical sagacity—he was without a superior, if not without a rival. These great gifts did not disdain, but were always reinforced by the most elaborate, exhaustive, and painstaking preparation. Indeed, for such preparation he had a positive genius, and of many of his triumphs in the forum it might be truly said that they had been already won in his study.

"As an adviser and administrator in the most important and intricate affairs he was consummate, and his services in this respect were as invaluable and successful as were his more brilliant and conspicuous achievements at the bar.

"In every relation and under all circumstances his character and conduct were distinguished, in the highest degree, by cheerfulness and courage, by rectitude, fidelity, and truth.

"We, the members of the bar with which Mr. Bartlett's entire professional life was identified—assembled in this court-room, the most accustomed scene of his duties and triumphs, and where but a few weeks ago he maintained for the last time with unabated ability and skill the cause of his client—thus inadequately, but reverently and affectionately, commemorate his unsullied life, his high example, and his illustrious career."

Mr. Bartlett never sought nor would he accept office whose duties would call him from the profession to which he was wedded. Though urged to accept appointments to the bench he always refused them, and it is not too much to say that for many years the highest judicial positions in the land were within his reach. He was a member of the Massachusetts House of Representatives in 1851 and of the Constitutional Convention of 1853, but with these exceptions he scrupulously avoided what is termed public life. In his college days he was a member of the Harvard Washington Corps. While a law student in Plymouth he was a member of the Standish Guards, a military company organized in 1818. Later he was captain of the Boston Rifle Rangers. In middle life he was a devoted fisherman. He was eminently social, simple in his tastes, and almost abstemious in habits. His reading was broad and extensive, including history, biography, fiction, etc. He was interested financially in railroads, sailing vessels, and other enterprises. In 1858 Harvard conferred upon him the honorary degree of LL.D. He was one of the founders and the first president (1876–77) of the Bar Association of the city of Boston.

Mr. Bartlett was married October 8, 1828, to Caroline, daughter of John and Mary (Tewks-

bury) Pratt, of Boston, where he resided from the time of his admission to the bar until his death. Their children were Sidney, jr., Francis, Louisa C., and Anna G.

ROBERT CODMAN, A. M., Boston, is the son of Rev. John Codman, D. D., and Mary Wheelwright, his wife, and a lineal descendant of Robert Codman, who settled in Salem, Mass., about 1635. His grandfather, Hon. John Codman, of Boston, held several positions of honor, including that of State senator. Rev. Dr. John Codman, his father, was graduated in 1802 from Harvard College, of which he was long an overseer, and from which he received the honorary degree of D. D. He studied divinity in Scotland, and for about forty years was pastor of the Orthodox Congregational church at Dorchester. On his mother's side Mr. Codman is descended from Rev. John Wheelwright, the founder of the town of Wells, Me., and a brother-in-law of Mrs. Anne Hutchinson.

Robert Codman was born in Dorchester, Mass., March 8, 1823, and prepared for college at Dummer Academy at Byfield, in his native State. In 1840 he entered the freshman class of Harvard University, where he pursued an entire collegiate course, which was only interrupted near the end of his first year by a "suspension" of four months for alleged participation in the kindling of a bonfire. During this period he continued his studies under Rev. Mr. Ward at Abington, Mass. He took a fair rank in his class at Harvard, having a part in the exhibition of October, 1843, distinguishing himself in Greek, and political economy, and being assigned a Latin oration at commencement in 1844, when he received the degree of A. B. In 1847 he took the degree of A. M. in course. While in college he was a member of the Institute of 1770 and of the Hasty Pudding Club. Among his classmates who became prominent in civil and professional life were Francis Parkman, the historian; George Merrick Brooks, judge of probate and insolvency for Middlesex county, Mass.; George Silsbee Hale, of the Boston bar; William Morris Hunt, the artist; Benjamin Apthorp Gould, the astronomer; Dr. Edward Augustus Wild, an eminent physician of Brookline and surgeon of artillery in the Turkish army during the Crimean war; and many others.

Mr. Codman entered the Harvard Law School in 1844, received the degree of LL.B. therefrom in 1846, and continued his legal studies in the office of Francis B. Hayes of Boston, being admitted to the Suffolk bar March 2, 1848. Entering at once upon the active practice of his profession in Boston he soon formed a copartnership with his classmate, Henry A. Johnson, which continued under the style of Codman & Johnson for over thirty years. He rapidly gained a high standing at the bar and acquired a considerable practice in the courts. He was a successful advocate, a wise counselor and an able business man, and has achieved eminent success both in the law and in financial matters. During the past ten years he has devoted himself almost exclusively to the management of many large estates which have been confided to his care. One of most important of these was founded by the late Peter B. Brigham in 1877 as a charitable trust fund, which, at the end of twenty-five years, is to pass into the control of a corporation, for the benefit of the sick poor. This fund now (1898) amounts to nearly $3,000,000. In politics Mr. Codman has always been a Democrat. He has held but one political office, that of alderman of the old Eleventh ward of Boston in 1856. For several years he was one of the vice-presidents of the Massachusetts Hospital Life Insurance Company, and in 1895 he succeeded the late William Minot as its president, which position he still holds. He is also a director of the Fitchburg Railroad Company and of the New England Trust Company of Boston; president of the House of the Good Samaritan of Boston, of the Wheelwright Scientific School of Newburyport, Mass., and of the Trustees of Donations to the Protestant Episcopal church; president of the

Episcopal Charitable Society of Boston; a member of the Standing Committee of the Episcopal church of Massachusetts; a life member of the New England Historic Genealogical Society; and senior warden of the parish of the Church of the Advent of Boston. Mr. Codman is not only an able lawyer and a successful financier, but is deeply interested in the welfare of his city and State, and whose services have been generously given to the encouragement and support of every commendable enterprise.

Mr. Codman was married November 16, 1854, in University Place church, New York, to Catherine C., daughter of John Russell and Catherine M. (Codman) Hurd, of that city. She died August 26, 1892. They had five children: Catherine Amory, at home; Robert, jr., who was graduated from Harvard in 1882 and is now (1898) rector of St. John's church, Roxbury; Archibald, who was graduated from Trinity College in 1885, became rector of the church of Our Savior at Roslindale, Mass., and died May 4, 1891; Edmund Dwight, who was graduated from Harvard University in 1886 and is now president of the Fitchburg Railroad Company; and Stephen Russell Hurd, an architect of Boston and a graduate of Harvard in the class of 1888.

PATRICK ANDREW COLLINS, Boston, former member of congress and United States consul-general at London, is the son of Bartholomew and Mary (Leahy) Collins, and was born near Fermoy, County Cork, Ireland, March 12, 1844. In 1848, his father having died, he was brought by his widowed mother to Chelsea, Mass., where he began his education in the public schools. In 1857 mother and son removed to northern Ohio, and there he worked on a farm, in a coal mine, and in a machine shop at different times. Two years later, in the fall of 1859, he returned alone to Boston and learned the business of upholstering with F. M. Holmes & Co., and acted as foreman in that establishment and for E. H. Brabrook until October, 1867, when he entered the law office of James M. Keith. In the interval between leaving the public schools and beginning the study of law he was a constant student, either alone or under private teachers, and thus fitted himself to enter the profession. He was graduated from the Harvard Law School in 1871, and on April 15 of the same year was admitted to the Suffolk bar. Since then, with the exception of one or two brief interruptions, he has successfully practiced his



PATRICK A. COLLINS.

profession in Boston, forming in 1893 a copartnership with Judge John W. Corcoran, which still continues. He was admitted to the bar of the United States Circuit Court in 1873 and to that of the United States Supreme Court in 1878.

Mr. Collins's professional career has been a brilliant one from the start. His natural legal qualifications combined with great industry and perseverance rapidly gained for him a recognized standing at the Boston bar, and for many years he has been one of its honored leaders. He is a wise counselor in whose good judgment and sound common sense a client can safely trust. As an advocate before courts and juries he is specially strong, having the

ability to marshal facts that is at once comprehensive and convincing. His practice has been from the first of a general character, and includes an extensive corporation and local and foreign commercial business. He has never, however, practiced on the criminal side to any extent. In politics he has always been an ardent Democrat, and for many years he has been one of his party's most trusted leaders in Massachusetts. He was a member of the lower house of the Legislature in 1868 and 1869 and of the Senate in 1870 and 1871, and in the latter year served as chairman of the joint committee on harbors, being the only Democratic chairman of any committee at that time. He was a representative from Massachusetts in the 48th, 49th and 50th Congresses at Washington, where he served during the entire period as a member of the judiciary committee. In the 50th Congress he was also a member of the committee on Pacific railroads. He had charge, while a member of the House, of the bankruptcy bill, the copyright bill, the French spoliation claims, the Alabama claims, and various other important matters affecting New England, and in every capacity won the approval of not only his constituents but also the country at large. In May, 1893, he was appointed by President Cleveland consul-general at London, which position he held until May, 1897. He was chairman of the Democratic City Committee of Boston in 1874 and 1875 and of the Democratic State Committee of Massachusetts from 1884 to 1890, and presided over several State conventions. He was also a delegate at large from Massachusetts to the Democratic National Conventions of 1876, 1880, 1888, and 1892, and as permanent chairman presided over that of 1888. For four years he was judge advocate of the First Brigade M. V. M., and in 1875 he was judge advocate-general on Governor Gaston's staff. He is now a member of the commission to revise and consolidate the statutes relating to the city of Boston.

Mr. Collins is an able and talented orator and has often been called upon to deliver public addresses, principally on political subjects. In official life as well as in the practice of his profession he has achieved that prominence and distinction which true merit, learning, and natural ability always produce. He is an eminent lawyer, a good diplomat, an eloquent speaker, and a progressive public spirited citizen. He is one of the original members of the Boston Bar Association and a member of its council or governing body, and also a member of the National Bar Association. He has been a director in the International Trust Company since its establishment in 1880, and is a member of the corporation of the Union Institution for Savings. He is also chairman of the American Board of Trustees of the National Assurance Company of Ireland. He is a member and former president of the Charitable Irish Society of Boston, the oldest civic organization in continuous existence in the country. He is also a member and one of the founders of the Catholic Union, and a member of several Boston Clubs and of the Manhattan and Democratic Clubs of New York.

July 1, 1873, Mr. Collins was married to Miss Mary E. Carey, of Boston; they have three children: Agnes R., Marie R. and Paul.

JOHN TYLER WHEELWRIGHT, Boston, is the son of George William and Hannah Giddings (Tyler) Wheelwright, and was born in Roxbury (now a part of Boston), Mass., February 26, 1856. Rev. John Wheelwright, his first American ancestor, was graduated from Sydney-Sussex College, Cambridge, England, in 1614, being a classmate and friend of Cromwell. He became vicar of Bilsby in 1632, and in 1636 came with his family to Wollaston, where he was soon in hot controversy with the conservative party. He stoutly defended freedom of speech and liberty of conscience with the result that he was found guilty by the General Court of "sedition and contempt of the civil authorities" and banished. In 1637 he founded the settlement of Exeter, N. H. A

short time afterward he also became the founder of Wells, Me. In 1647 he was made assistant pastor of the church at Hampton and later pastor at Salisbury, where he died November 15, 1679, aged eighty-seven. Charles Francis Adams says: "The seed sown by Wheelwright in 1637 bore its fruit in the great New England protest of two centuries later, when, under the lead of Channing, the descendants in the seventh generation of those who listened to the first pastor at the Mount broke away finally and forever from the religious tenets of the Puritans."

Rev. Mr. Wheelwright's first wife died in 1630, and he married Mary Hutchinson, sister of Anne Hutchinson. His son Thomas, by his first marriage, settled in Wells, as did also another son, Samuel. Both figured conspicuously in religious and governmental affairs. The latter commanded a garrison in King Philip's war, became a colonel, representative to the General Court, member of the Maine and Massachusetts Provincial Councils, and judge of probate and of the court of Common Pleas. John Wheelwright, son of Colonel Samuel, also served as representative and in the French and Indian war, becoming a colonel. He was twice a commissioner to the Indians, a counselor of the Province, and judge of probate and of the Court of Common Pleas, and has been called "the bulwark of Massachusetts for defense against Indian assaults." He died August 13, 1745. Col. John Wheelwright's grandson Jeremiah was commissary in Arnold's expedition to Canada, and died in 1778 from the effects of exposure in that campaign. His son Abraham served in the Continental army from December, 1775, to July, 1777, and from that time until the close of the war he served on privateers. His son Jeremiah, grandfather of John T., the subject of this sketch, was a ship master and was lost at sea. George William Wheelwright, the son of Jeremiah, established a large paper manufacturing business about 1850 which is still carried on in Massachusetts. He died in December, 1879. His cousin, William Wheelwright, founded the Pacific Mail Steamship Company and built with Lord Brassey, several railroad lines in the Argentine Republic. John Tyler, great-grandfather of Mrs. Hannah Giddings (Tyler) Wheelwright, was the first settler of Claremont, N. H., about 1750, removing there from Norwich, Conn., where his father was rector of a church.

John Tyler Wheelwright was graduated from the Roxbury Latin School in 1872, and then entered Harvard University, from which he was graduated in 1876. While in college he



JOHN T. WHEELWRIGHT.

was one of the founders of the Harvard Lampoon, and a member of the Hasty Pudding and A. D. Clubs, the Institute of 1770, the Delta Kappa Epsilon and the O. K. In 1876 he entered the law office of Brooks, Ball & Storey, in Boston, and in the autumn of the next year became a student at the Harvard Law School, passing his examinations for advanced attending without conditions. He was graduated from that institution with the degree of LL.B. in June, 1878, continued his studies in the same office, and was admitted to the Suffolk bar in April, 1879. In the autumn of that year he began the active practice of his profession in Boston, and in March, 1896, he was appointed assistant corporation counsel for the city of

Boston, and is now assistant city solicitor. He has given special attention to commercial law and has acted as counsel for several large corporations, and has also had an extensive practice before legislative and congressional committees. In November, 1893, Governor Russell appointed him chairman of the board of gas and electric light commissioners of Massachusetts, which controls the distribution and price of gas and electric lighting in the Commonwealth, and he served in that capacity until July, 1894, when he resigned. In the following September he argued, with Governor Russell, the question of the legal construction of that part of the tariff bill relating to the wool schedule before the secretary of the treasury at Washington.

In politics Mr. Wheelwright has been a Democrat, and in 1893 and 1894 was a member of the Democratic State Committee and chairman of its finance committee. He has been especially active in campaign work, and managed three congressional campaigns for the late John F. Andrew, two of them to a successful issue. In 1892 he was an alternate delegate to the National Democratic Convention, and for three years he served on Governor Russell's staff. He has written numerous articles for the press, especially for Life, the Boston Advertiser, and leading magazines, and is the author of "A Child of the Century," "The Hasty Pudding Club Poem of 1895," and other stories and reviews. In collaboration with Frederic J. Stimson, familiarly known as "J. S. of Dale," he also wrote "Rollo's Journey to Cambridge." He was from August, 1897, to August, 1898, acting park commissioner of Boston, and is secretary of the Harvard Class of 1876, and a member of the Somerset, Union, and Country Clubs of Boston, the Reform and University Clubs of New York city, the Myopia Hunt Club of Hamilton, Mass., and the Bar Association of the city of Boston, to which he was elected in 1885. He is unmarried.

ROBERT PARKER CLAPP, Boston, is the son of George A. and Irene Franklin (Parker) Clapp, and a lineal descendant in the ninth generation of Capt. Roger Clapp, one of the founders of Dorchester, Mass., in 1630. His grandfather, Martin Harvey Clapp, a farmer of Montague, Mass., was the grandson of Capt. Moses Harvey, an officer in the Revolutionary war, and was prominent in public affairs. George A. Clapp was a successful merchant and manufacturer in Montague; his wife's ancestors also fought in the Revolution and were active in civil affairs.



ROBERT P. CLAPP.

Robert P. Clapp was born in Montague, Franklin county, Mass., October 21, 1855, and acquired his early education in the common schools of his native town. He prepared for college at the Montague High School and at Williston Seminary in Easthampton, and in the fall of 1875 entered Harvard College, from which he was graduated with honor in June, 1879. At Harvard he was one of the founders of the Kappa Nu, a freshman debating society, and also a member of the Everett Atheneum, the Signet, and the Phi Beta Kappa. From the day of his graduation he supported himself, working his way through the law school by tutoring, newspaper writing, stenographic reporting, and other occupations. He was graduated from the Harvard Law School with the degree of LL.B. in 1882, and during the

next two years taught shorthand in the Boston evening high school. In 1885 he was made secretary of the board of managers of the Civil Service Record, of which he had editorial charge in 1886, 1887, 1888.

Mr. Clapp continued his legal studies in Boston with William Caleb Loring and the late Bainbridge Wadleigh, and was admitted to the Suffolk bar in February, 1883. He remained with Mr. Wadleigh from January, 1883, to January 1, 1886, when he opened an office for himself. In 1887 Governor Ames appointed him an associate justice of the District Court of Central Middlesex, which position he resigned about two years later. The Thomson-Houston Electric Company, one of his early clients, absorbed a large part of his attention until the summer of 1889, after which he gave himself wholly to its law department, until the company was merged in the General Electric Company in 1892. From that date until August, 1894, he devoted his time to the law business of the latter corporation. Upon the removal of its main office to Schenectady, N. Y., early in 1894, he organized at that place a central law department of the company, and remained in charge of it until August, 1894. He then resigned this position and resumed the general practice of his profession in Boston, where he formed a copartnership with Benjamin N. Johnson and W. Orison Underwood, which still continues under the firm name of Johnson, Clapp & Underwood.

Mr. Clapp is a lawyer of recognized ability, and a man of sound business judgment. He took up his permanent residence in Lexington, Mass., in May, 1886, and has been prominent and active in the affairs of that town, serving as a member of the School Committee for over two years prior to his resignation in March, 1894, and being president of the Lexington Historical Society for two years. He is now (1899) chairman of the Board of Sewer Commissioners. He was one of the organizers of the Old Belfry Club of Lexington, becoming its first president in 1892, to which office he was twice re-elected. He has delivered a number of addresses on public occasions, notably one before the Pocumtuck Valley Memorial Association at Montague in 1895.

Mr. Clapp was married October 28, 1886, to Mary Lizzie, daughter of ex-Mayor Charles H. Saunders, of Cambridge. They have two children living: Lilian Saunders Clapp, born March 29, 1892, and Roger Saunders Clapp, born March 24, 1895.

FRANCIS PEABODY, Jr., Boston, is a lineal descendant of Francis Peabody, who came from St. Albans, England, in 1632, to what is now Essex county, Mass., where the family has ever since resided. Among its many distinguished members was George Peabody, the philanthropist, whose name is one of the most illustrious in New England annals. One of Mr. Peabody's ancestors, John Endicott, was the first governor of the Massachusetts Bay Colony and, in 1628, one of the original settlers of Naumkeag, now Salem. Joseph Peabody, the great-grandfather of Francis, jr., and Francis Peabody, his son and the latter's grandfather, who married Martha Endicott, were



FRANCIS PEABODY, JR.

large ship owners and extensively engaged in the East India trade, having important interests in Calcutta. Both of them resided in Salem, Mass., where S. Endicott Peabody, father of the subject of this sketch, was born. The latter was also an East India merchant until 1871 when he moved with his family to London, England, to become a member of the well known banking firm of J. S. Morgan & Co. In 1878 he returned to Boston and is now (1898) president of the American Loan and Trust Company. He married Marianne Cabot Lee, daughter of one of Boston's prominent merchants, and one of their sons, Rev. Endicott Peabody, entered the Episcopal ministry and founded a Protestant Episcopal church at Tombstone, Arizona, and a school for boys in Groton, Mass.

Francis Peabody, jr., is the second son of S. Endicott Peabody and Marianne Cabot Lee, and was born September 1, 1854, in Salem, Mass., where he attended private school until he reached the age of sixteen. In 1871 he accompanied the family to England, where he entered Cheltenham College. He matriculated at Trinity College, Cambridge, in 1873, and took the degree of B. L. therefrom in the law tripos of January, 1877, having a position in the second class. He also studied law in chambers at Lincoln's Inn for one year, and was admitted to the bar of the Middle Temple as a barrister in the latter part of 1877. In December, 1877, he returned to Boston and entered the law office of Morse, Stone & Greenough, where he remained one year. Afterward he spent a year in the Harvard Law School and was admitted to the Suffolk bar in November, 1879. His legal studies covered a period of about five years, and included a wide range of English and American jurisprudence. Thus equipped he entered at once into the active practice of his profession in Boston, and by industry and ability soon gained a recognized standing at the bar. As a lawyer and advocate he has achieved an enviable reputation, and is an able business man. His practice is of a general character, and includes the management, as trustee, of a number of important estates, trusts, and office buildings.

In politics Mr. Peabody is a Democrat. He was his party's candidate for mayor of Boston against Edwin U. Curtis in December, 1894, and has served as a delegate to several State Democratic conventions. But he has never sought political preferment; on the contrary he has steadfastly avoided it, preferring the active practice of his profession, in which he has been eminently successful. He served for three years on Governor Russell's military staff, first as aide-de-camp and afterward as judge advocate-general. He is a member of the bar of the United States District and Circuit Courts and Court of Appeals. He is a member and former president of the Algonquin Club; a member of the Country, Papyrus, and Somerset Clubs and other organizations; a director of the American Loan and Trust Company, the United Electric Securities Company, and several other corporations; and a trustee of the Boylston Street Land Company and of the George Peabody Family Fund.

Mr. Peabody was married January 13, 1881, to Rosamond, daughter of the late Abbott Lawrence, of Boston, and they have three daughters; Rosamond, Martha and Sylvia.

THOMAS JOHN GARGAN, Boston, one of the leading members of the Suffolk bar, was born in Boston, Mass., October 27, 1844. He is one of nine children of Patrick and Rose (Garland) Gargan, both natives of the north of Ireland, and a grandson of Thomas Garland, a prominent Boston confectioner. His mother is still living. His father came to Boston in 1825, and for many years was a leading mason and contractor. Mr. Gargan was educated in his native city, graduating as a medal scholar from the Phillips Grammar School, attending the Boston Latin School, and finishing under the private tutelage of Rev. Peter Krose, S. J. In December, 1862, when eighteen years of age, he enlisted in the Union army, and was elected and commissioned sec-

ond lieutenant of Co. C, unattached, though intended for the 55th Mass. Regt. Under consolidation this company became a part of the 48th Mass. Vols. After a service of about five months Mr. Gargan resigned, and on returning to Boston was made the New England agent for the great commission house of A. & W. Sprague & Co., of Providence and New York.



THOMAS J. GARGAN.

In this capacity he met with marked success and gained a wide acquaintance, but the field did not offer him the coveted opportunity of developing and displaying those brilliant oratorical and intellectual powers which have since brought him distinction and honor. He therefore turned to the law as a profession, entering, in 1872, the Boston University Law School, where he took his degree of LL.B. in June, 1875. He also studied in the office of the late Hon. Henry W. Paine, of Boston, and was admitted to the Suffolk bar in April, 1875, shortly before his graduation. Since then he has been in active and successful practice in Boston, forming his present and only partnership in 1894 with Patrick M. Keating.

Mr. Gargan is one of the ablest members of the Boston bar, and has probably achieved as brilliant a record as any living lawyer in New England. He rapidly gained a high professional standing as well as an extensive general practice, and in the trial of causes has won lasting and honorable distinction. As a jury advocate and pleader he has few if any superiors. Possessed of an evenly balanced mind, a wonderful memory, keen wit and ready repartee, and sound discriminating judgment, he is especially strong before juries, and for many years has been a conspicuous figure in the courts. He was the counsel for Archbishop Williams in the celebrated Lawrence Church case, 141 Mass. Reports, upon which rested the title of all Roman Catholic church property in New England. This case, entitled Leahey vs. Williams, which was won by Mr. Gargan in the Supreme Judicial Court, involved, primarily, the liability of a Roman Catholic bishop for the debts of his curates and priests in his diocese, and has become a leading one not only in New England, but in the United States. Mr. Gargan has also been counsel in numerous will cases, public and legislative investigations, commission proceedings, petitions, etc., including the recent interesting will case of Pastene, Executor, vs. Bonnie (1897).

But it is as an orator of uncommon ability that he has won the greatest distinction and fame, and in this connection his professional as well as his civil and public life may be considered. While a youth he displayed oratorical gifts that have won admiration both here and abroad. Before he was seventeen he delivered an "Essay on the Irish in the War for the Union," under the auspices of the Cheverus Literary Institute, of which he was a leading member. His first appearance as a public speaker was during the war, and so earnestly and eloquently did he uphold the Union cause that he was unanimously elected a member of the Union committee. With a finely modulated voice, which is at once penetrating and pleasing, he reaches the hearts of his hearers and holds their attention without apparent effort. His manner is commanding and courteous, his delivery graceful and full of force, his argument sound and logical. His speeches

are punctured with wit and humor, and evince deep thought, culture and literary acumen. He is a thorough student of human nature, a scholar of varied attainments, and a man of the highest character and integrity.

Among his many speeches and addresses may be mentioned the following: At the ratification meeting of Butler and Bowerman at Marblehead, 1882; in the House of Representatives against the bill taxing church property, 1875; annual oration before the Mechanic Apprentices Library Association of Boston, 1876; as president of the banquet given in honor of General Grant by the Mexican government in the Tivoli of San Cosme, Mexico, in May, 1881; Bay State dinner on the occasion of Washington's birthday, commemorated by the Massachusetts State Democratic Central Committee, 1884; the Memorial Day orations at Winchendon, Mass., May 30, 1885 and 1894; Fourth of July oration for the city of Boston, 1885; at the banquet given by the Charitable Irish Society of Halifax, N. S., to celebrate its 100th anniversary, at which he represented the Charitable Irish Society of Boston; eulogy on the late Gov. William Gaston by invitation of the city of Boston, 1894; at the unveiling and presentation to the city of Boston of the John Boyle O'Reilly group, 1896; and a eulogy at the memorial meeting in Boston on the late Edmund Hatch Bennett, LL.D., 1898. He is also the author of numerous political and other addresses, of letters to the press on Irish subjects, and special correspondence relating to the Franco-Prussian war while traveling in Ireland and France. He has been a ready and strong debater from early life, and for many years has been recognized by the press and public as a brilliant, eloquent and masterly orator.

Mr. Gargan has also been prominent in public and civil life, holding several positions of trust and honor. He has always been a leading Democrat, and when twenty-one years of age was elected warden of his ward. In 1872 he was a delegate at large from Massachusetts to the National Democratic Convention at Baltimore; in 1884 he was a delegate to the National Democratic Convention at Chicago; and in 1896 he was chairman of the committee on resolutions at the Massachusetts Democratic State Convention. He was a member of and made a brilliant record in the lower house of the Massachusetts Legislature in 1868, 1870 and 1876; member of the Board of Overseers of the Poor of Boston in 1875; chairman of the Boston Board of License Commissioners in 1877 and 1878; member of the Board of Police Commissioners in 1880 and 1881; member of the Boston Subway and Transit Commission since 1894; and the head of the Democratic presidential electoral ticket in Massachusetts in 1896, in which year he declined the nomination for governor. He is a tariff reformer of pronounced proclivities, and an Irish-American citizen whose public spirit and patriotism have ever been among his leading characteristics. He is president and a member of the executive committee of the American Irish Historical Society, a trustee of the Catholic Summer School of America, and a member of the Catholic Union, the Mt. Pleasant Council, Knights of Columbus, the University and Papyrus Clubs of Boston, and the Catholic and Champlain Clubs of New York. He is also a member of the Charitable Irish Society (organized in 1737), the oldest civic society in Boston in continual existence, and has served it as president. He is one of the founders and is a director of the United States Trust Company, of Boston, and is a member of the bar of the United States Supreme Court.

September 19, 1868, Mr. Gargan married Catherine L., daughter of Laurence McGrath, of Boston, who died in August, 1892. Married a second time to Helena Nordhoff, 1898.

SAMUEL LELAND POWERS, Boston, is the youngest son and child of Larned and Ruby (Barton) Powers, and was born in Cornish, N. H., October 26, 1848. His family, so tradition asserts, is of Norman descent, but, at

any rate, since the day when a Le Poer figured as one of the bravest generals in the battle of Hastings, under William the Conqueror, the name in its various forms of spelling has represented a patriotic, brave and honest race. The first American ancestor, Walter Power, was born in England in 1639, came to Massachusetts in early life and on March 14, 1661, married Trial, daughter of Deacon Ralph and Thankes Shepard. He settled in Littleton, near Concord, Mass., and died February 22,



SAMUEL L. POWERS.

1708. His eldest son, William, had by his wife Mary a son also named William, who married Lydia Perham, and who with others of that generation added the "s" to the name, making it Powers. Lemuel Powers, great-grandfather of Samuel L., was a soldier in the Revolutionary war and lived in Uxbridge, Mass., where his son, Col. Samuel Powers, was born. The latter also enlisted in the war of the Revolution, at the age of seventeen, and served throughout the struggle, rising to the position of colonel. From the family of Thankful Leland, of Uxbridge, wife of Lemuel Powers, the subject of this article derives his middle name. Larned Powers, his father, was the youngest of twelve children of Col. Samuel Powers, and during his active life was a prominent and respected farmer near the Connecticut River in Cornish, N. H. He was a Jacksonian Democrat, and died in 1896, at the age of eighty-eight. His wife Ruby was a daughter of John Barton of Croydon, N. H., the granddaughter and great-granddaughter of Revolutionary soldiers who participated in the battle of Bunker Hill, and a lineal descendant of Rufus Barton, who came to New England in the seventeenth century. Her family was also connected with General Barton of Revolutionary fame.

Samuel L. Powers attended the public schools of his native town and fitted for college at the Kimball Union Academy and at the Phillips Exeter Academy, both in New Hampshire. In 1870 he entered Dartmouth College, from which he was graduated with honors in 1874, becoming a member of the Delta Kappa Epsilon fraternity and receiving while there the Lockwood prizes for proficiency in both rhetoric and elocution. He stood well in his class, and as a student developed those scholarly and mental characteristics which distinguished his ancestors, and which have served him well in professional life. He had already decided upon the law, for which he early displayed natural qualifications, and immediately after graduating he entered the office of Hon. William W. Bailey of Manchester, N. H., which he soon left to become a student in the law department of the University of the City of New York. He remained there one year and afterward continued his legal studies in the office of Very & Gaskill, of Worcester, Mass., the junior member of which firm is now an associate justice of the Superior Court. Mr. Powers was admitted to the bar at Worcester on the 17th of November, 1875, and on January 1, 1876, began active practice in Boston, where he soon gained a standing as a lawyer of marked ability and untiring industry. During his first year he was a partner of his college classmate, Hon. Samuel Walker McCall, now and for several years past a member of congress. Since then he has successfully

practiced alone with the exception of four years, from 1878 to 1882, when he was associated with Col. Josiah H. Benton, jr.

Mr. Powers devoted himself to the general practice of the law until about 1887, when, having given considerable time to the study of electrical science, he decided to make a specialty of law in its application to electrical matters. He was one of the first lawyers in the country to take up and specialize this branch of the profession. From that time to the present he has been almost exclusively employed in representing, as counsel, corporations and individuals engaged in electrical operations, not only in Massachusetts, but also in various other States, particularly in New England. In this department he has been eminently successful, gaining a reputation which is by no means confined to his own city. He has been the general counsel for the New England Telephone and Telegraph Company since 1887, and for several years has also acted as counsel for the Gamewell Fire Alarm Telegraph Company and for a large number of other corporations connected with electrical business.

Mr. Powers moved his residence from Boston to Newton in 1883, and since then has been active in the social and political affairs of the latter city. He served in both branches of the Newton city government, being a member of the Board of Aldermen one term and president of the Common Council three years. He has also been a member of the School Board for several years, and in 1888 was prominently mentioned as the Republican candidate for Congress. He was one of the founders and is still a member of the Newton Club, which he served four years as president, and of which he was the first vice-president; is a director of the Newton and Boston and several other street railway companies; is a member of the University and Algonquin Clubs of Boston; and was for three years a member of the First Corps of Cadets and for two years a member of the Pierce Life Guard, First Regt., M. V. M. He has always shown great interest in educational matters and in 1893 established a scholarship at Dartmouth which bears his name. He has delivered a number of public addresses, some of which have been published, and in every capacity has displayed the characteristics of a patriotic, public spirited and progressive citizen. In politics he is a Republican and in religion a Unitarian.

June 21, 1878, Mr. Powers was married to Miss Eva Crowell, daughter of Hon. Prince S. Crowell, of Dennis, Mass., and they have one son, Leland, born July 1, 1890.

CHARLES FRANKLIN KITTREDGE, Boston, son of Franklin Otis Kittredge, and Mary Ann Dutton, was born in Mount Vernon, N. H., February 24, 1841. The family is descended from the Kittredges of Lowestoffe, Suffolk county, England, and for many generations has been prominently represented in the professions. John Kittredge, the first American ancestor, came to Tewksbury, Mass., in 1632. Charles F. Kittredge's great-grandfather, Zephaniah, was a soldier in the Revolutionary war and long a leading physician and distinguished surgeon in Mount Vernon, N. H. His grandfather, Zephaniah Kittredge, jr., a farmer of Mount Vernon, married Mary Wheeler of Hancock, N. H., a relative of Hon. William A. Wheeler, late vice-president of the United States. Franklin O. Kittredge, son of Zephaniah and Mary (Wheeler) Kittredge, was born in Mount Vernon in 1813 and still resides there, and for fifty years has been a merchant in Boston, being still engaged in active business.

Charles F. Kittredge received his early education in the common schools and at Appleton Academy in his native town, and entering Dartmouth College in 1859 was graduated therefrom in the class of 1863, and was a member of the Delta Kappa Epsilon fraternity. During his college course and a part of the time at the academy he taught school, thus gaining practical experience and earning some-

thing to defray his expenses. He was in the ordnance bureau of the War Department at Washington from August, 1863, to August, 1864, and served as a private in the regiment of War Department Rifles. In October, 1864, he began his law studies in the office of Hon. John P. Healy, then corporation counsel (or city solicitor, as the office was then known) of Boston.

Mr. Kittredge when a law student was elected from Mount Vernon to the lower house of the New Hampshire Legislature in March, 1867, and served one term, and was aide-de-camp with rank of colonel on the staff of Gov. Walter Harriman of that State. In October, 1867, he was admitted to the Suffolk bar and removed to Boston, where he has since resided. He is a Republican in politics, a man widely respected and esteemed, and a citizen of public spirit and enterprise, taking deep interest in all questions affecting public affairs. Since 1867 he has been engaged in the active practice of his profession in Boston, gaining prominence as a lawyer and advocate of recognized ability, and building up a large and successful clientage. Early in his career he was engaged in the trial of many important cases involving questions of taxation, land damages, public betterments and municipal and other corporation powers, rights and duties. In April, 1868, he became second assistant city solicitor of Boston, under Mr. Healy, and was promoted to be first assistant, which office corresponded to the present office of city solicitor, and filled this position by successive yearly reappointments for eleven years until 1879. In this capacity he was actively connected with a large number of important cases brought against the city and established a high reputation for ability, industry and broad legal knowledge. Since retiring from the city's law department he has carried on an extensive general practice, giving special attention to municipal, banking, corporation, and kindred branches of law, and to questions connected with the legality of State, municipal, and railroad bonds. In 1883 and 1884 as counsel for first mortgage bond holders of the Toledo, Cincinnati and St. Louis Railroad Company he was engaged in the United States Court at Toledo and Cincinnati upon the question of a receivership for the road, and after going over the entire line from Toledo to St. Louis made a report to his eastern clients severely arraigning the financiering of the road and criticising its construction and operation. In the trial of land damage cases against the Commonwealth of Massachusetts and its cities



CHARLES F. KITTREDGE.

and towns he has had large experience. Has been connected as counsel with numerous cases against the Commonwealth involving the taking of lands for the Metropolitan Park System, and construction of the Metropolitan Sewerage System and before committees, boards and commissions of the State. He was counsel for the city treasurer and his bondsmen in the defalcation case of the city of Boston vs. Charles H. Dennie, city treasurer, which was brought to recover about $90,000 on the bond of the city treasurer caused by the defalcation of John A. Woodward, cashier. Has been counsel for the Boston Five Cents Savings Bank for many years, and for the Winthrop National Bank,

and is the Boston counsel for the Barber Asphalt Paving Company and for the National Contracting Company of New York.

Among the leading cases argued by him as counsel before the Supreme Judicial Court are Blackie vs. Hudson, Mass. Reports, 117–181, in which was decided the time at which an assessment for street improvements became a lien upon real estate; Geraghty vs. Boston, Mass. Reports, 120–416, and Murphy vs. Boston, Mass. Reports, 120–419, by which the statute distinctions were established between remedies for land and grade damages in the original construction of a public street, and grade damages caused by a subsequent change in street grade; and also a determination that the Board of Boston Street Commissioners had no power to change the grade of an existing street; Cushing vs. Boston, Mass. Reports, 122–173, 124–434 and 128–330, argued on the opposite side by Ex-Gov. William Gaston, counsel for plaintiff, in which after three trials before juries and three arguments before the full law court it was decided that a city or town is not liable for personal injuries from peculiar street construction, if such construction is authorized by law, although dangerous and the cause of the injuries; Wood vs. Bridge Commissioners, Mass. Reports, 122–394, in which was decided that no title could be acquired by adverse use of a pier structure in tide water beyond the Harbor Commissioners' line; Messenger vs. Dennie, Mass. Reports, 137–197 and 141–335, argued on the opposite side by Ex-United States Senator Bainbridge Wadleigh, counsel for plaintiff, and twice carried to full law court, a leading case upon the care required by plaintiff in suit to recover for personal injuries; Sherwin, Collector, vs. Boston Five Cents Savings Bank, Mass. Reports, 137–444, which decides for what taxes under the public statutes a mortgagee becomes liable upon taking possession of mortgaged real estate; Cotton, Ex'or, vs. Boston, Mass. Reports, 161–8, which decides that an executor who carries on business for the sole purpose of closing up the testator's estate, is liable for taxes in the place where the business is carried on rather than in the place where the deceased last dwelt; Kittredge, Receiver, vs. Osgood, Mass. Reports, 161–384, by which is decided that an attachment of property of a corporation is not discharged by the subsequent appointment of a receiver of the corporation. Since which decision Chap. 420, Acts of 1898, has been passed regulating such attachments.

Mr. Kittredge was married, September 24, 1872, to Miss Adelaide L. Lee, daughter of George Huntington and Mary J. (King) Lee of Groton, Mass.; they have had four children, of whom Mabel Lee, Florence Parmenter and Louise Pierce are living.

WILBUR HOWARD POWERS, Boston, youngest child and son of Elias and Emeline (White) Powers, was born in Croydon, N. H., January 22, 1849. He comes from an ancient family which bore originally the Norman name Le Poer, the first ancestor known being an officer under William the Conqueror, whose name appears in Battle Abbey as one of the survivors of the battle of Hastings. Walter Power, born in England in 1639, settled in Littleton, near Concord, Mass., and died there February 22, 1708. On March 11, 1661, he married Trial, daughter of Deacon Ralph and Thankes Shepard. Their eldest son, William Power, lived near Concord and by his wife Mary had a son William, jr., who married Lydia Perham and resided in Chelmsford, Mass. This generation added the "s" to the name. Lemuel Powers, eldest son of William, jr., married Thankful Leland and moved to Northbridge, Mass., and their eldest son, Ezekiel, who married Hannah Hall, removed to Croydon, N. H. He served in the Revolutionary war and was present at the surrender of Burgoyne. Major Abijah Powers, son of Ezekiel, was a captain and later a major in the war of 1812, and served as a justice of the peace in Croydon, as chairman of the Board of Selectmen, and three terms as a member of the State

Legislature. He married Olive Melendy, and their eldest son, Elias Powers, father of the subject of this article, was selectman of Croydon three years, long a justice of the peace, and for three years commissioner of Sullivan county; by occupation he was a farmer, widely known for his integrity and hospitality. On the maternal side Mr. Powers is descended from Elder John White, who settled in New Towne, now Cambridge, Mass., in 1632, his farm being covered in part by Gore Hall of Harvard College. His mother's grandfather, Joseph Taylor, was a lieutenant in the French and Indian wars and afterward served throughout the war of the Revolution, becoming a captain and an aide-de-camp. From the day when brave General Le Poer figured in the battle of Hastings the family name in its various forms of spelling has represented an honest and patriotic race. The patriotism, public spirit, and progressiveness of the descendants of Elder John White are also well known in the history of New England, and thus from his ancestors on both sides Mr. Powers inherited strength of character and tenacity of will which have served him well in the development of his professional career.

Wilbur H. Powers attended the public schools of Croydon and fitted for college at the Olean Academy in Olean, N. Y., and at the Kimball Union Academy in Meriden, N. H., graduating from the latter in 1871. The same year he entered Dartmouth College, from which he was graduated with honors in 1875, taking prizes while there in oratory, rhetoric and English composition, and having as his commencement part a philosophical discussion which won for him the highest commendation of the Faculty and of the public. He was elected to membership in the Delta Kappa Epsilon, and during the course took an active part in all outdoor sports in which his class participated. After leaving Dartmouth he studied law privately for a time and then entered the Boston University Law School, from which he was graduated with the degree of LL.B. in 1878. Meantime he had taught school winters, and during the summer vacations he had been employed on his father's farm or in a neighboring furniture establishment, thus not only learning lessons of thrift and industry, but building up a strong constitution and also earning something towards the payment of his college bills. Mr. Powers was admitted to the New Hampshire bar at Concord in August, 1878, and to the Massachusetts bar at Fitchburg in November of the same year, and on January 22, 1879, began active practice in Boston, where he has built up a large and successful general law business. He is a lawyer of ability, well grounded in legal science, and for many years has held a prominent place among Boston's advocates. For a time he was counsel for the Old Colony Railroad, and after the consolidation was associate counsel for the N. Y., N. H. & H. Railroad for several years. In 1888 and 1889 he was counsel for the town of Hyde Park, where he has resided since 1881, having previously lived in Canton, Mass., from 1879. In 1890, 1891, and 1892 he represented Hyde Park in the lower house of the Massachusetts Legislature being recognized by the Republicans



WILBUR H. POWERS.

as their most judicious and efficient leader, and serving as chairman of the committee on engrossed bills in 1890, as chairman of the redistricting committee and of the committee which revised all the laws and salaries relating to the inferior courts in 1891, and as chairman of the committee on railroads in 1892; of the latter committee he was a member during his three terms. As chairman of the important committee to revise the judicial system of the Commonwealth in 1892 he rendered valuable service, and also to his efforts was due the passage of the congressional apportionment bill, which was considered as more just and more free from partisan manipulation than any apportionment in many years. He was a member of the committee on rules and of the committee appointed to investigate the affairs of the West End Street Railway Company of Boston, and was the author of the "Powers Tax Bill," the object of which was to make a more equitable division of that portion of the State tax now paid to cities and towns, and at the same time to foster the public school system and aid needy municipalities. He has been an earnest advocate of public parks for many years, and has served as a member of the Hyde Park commission since it was organized in 1893, and is now (1898) its chairman. He was active in advocating the taking of the Stony Brook Reservation for park purposes, which was done, his board joining the Metropolitan Park Commission in the transaction.

Mr. Powers has been for many years a prominent member of the Hyde Park Republican Town Committee, which he has served as secretary, treasurer, and chairman. In 1893 and 1894 he was also a member of the Republican State Committee. He was president of the Waverly Club of Hyde Park from 1894 to 1898, and is still a member of that organization and of the Royal Arcanum, of the Royal Society of Goodfellows, of the Hyde Park Sons and Daughters of the American Revolution, and of the Golden Cross, for which he has been counsel at large during the past fifteen years. He is also a Royal Arch Mason, having joined the fraternity before graduating from college, and is a director of the Balch Brothers Company, publishers of Boston.

May 1, 1880, Mr. Powers married Emily Owen, daughter of Frederick L. Owen, of Lebanon, N. H., and they have two children: Walter, born August 3, 1885, and Myra, born May 22, 1889.

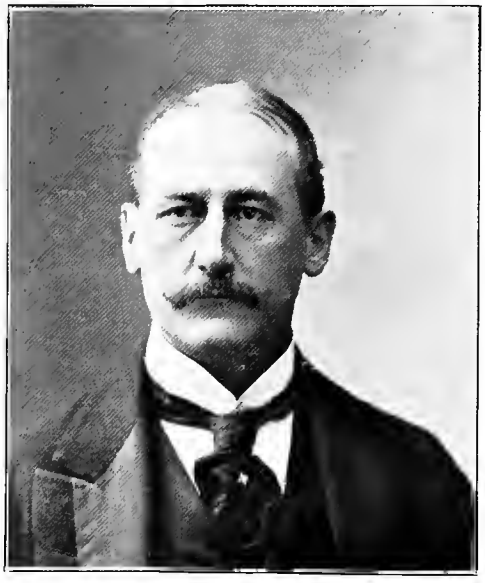
WILLIAM FISHER WHARTON, Boston, assistant secretary of state of the United States under James G. Blaine, during President Harrison's administration, is the son of William Craig and Nancy Willing (Spring) Wharton, and was born at Jamaica Plain, now a part of Boston, Mass., June 28, 1847. The Wharton family were residents of Philadelphia, Pa., for several generations, Robert Wharton, a former mayor of that city, being an early member of the ancestral line. John Wharton, grandfather of William F., was an honored citizen there, and his son, William Craig Wharton, lived there until he became a student at Yale College. The latter subsequently read law at the Harvard Law School, but never practiced. His wife's family were early and prominent settlers of Watertown, Mass.

Mr. Wharton attended Epes Sargent Dixwell's School in Boston, then one of the leading private educational institutions of the day, and entering Harvard College in 1867 was graduated with honors in Latin, Greek, and ancient history in the class of 1870. Among his classmates were Gov. Roger Wolcott, Henry Parkman and Louis Curtis. The law had for him special attractions from early boyhood, and upon leaving college he began its study in the office of John C. Ropes and John C. Gray, in Boston, where he remained one year. Afterward he attended the Harvard Law School for two years, graduating with the degree of LL.B. in 1873, and was admitted to the Suffolk bar September 22, 1873. The next two years he spent in European travel, visiting the chief

centers of interest, and acquiring an intimate knowledge of different foreign languages. Returning to Boston in the fall of 1875 he began the active practice of his profession and soon gained a large clientage.

In politics Mr. Wharton has always been an ardent Republican. He was a member of the Boston Common Council from 1880 to 1884, inclusive, and served with great efficiency as chairman of the committees on finance and ordinances during the latter part of this period. He was also a member of the Board of Sinking Fund Commissioners for several years, and in 1883 was appointed by the mayor a commissioner to revise the city ordinances, his colleagues being Uriel H. Crocker (chairman) and Godfrey Morse. Mr. Wharton represented Ward Eleven of Boston in the lower house of the Massachusetts Legislature from 1885 to 1888, inclusive, serving as house chairman of the committee on cities and member of the committee on rules in 1885, as house chairman of the committee on railroads and of the joint committee on rules and chairman of the committee on house rules in 1886 and 1887, and as chairman of the judiciary committee and chairman of the committees on house rules and joint rules in 1888. His services in this body as in the Common Council were characterized by great activity and efficiency, and won for him a high reputation for ability in legislative and parliamentary matters. As chairman of the judiciary committee in 1888 he took a leading part in shaping the legislation of that year and was one of the leaders on the floor of the House. In brief, his four years in the Legislature were full of usefulness to his constituents and to the Commonwealth at large, as is shown by the numerous measures which passed through his hands.

On the 2d of April, 1889, President Harrison appointed him assistant secretary of state of the United States, and on account of the serious illness of Secretary James G. Blaine he acted as secretary of state during a large portion of President Harrison's administration, serving in this capacity for a longer period of time than any assistant secretary of state who has ever filled the office. Many important questions of international law arose during Mr. Harrison's administration, and several of them were successfully handled by Mr. Wharton while he was acting as secretary. Among these were the treaty in connection with Samoa, the Behring Sea fur seal fisheries, and the complications in Chili. Mr. Wharton gained for himself high encomiums and a national reputation. He resigned March 4, 1893, and resumed the practice of law in Boston. In 1896 Governor Wolcott appointed him chairman of the commission to examine and report upon a system for administering the charitable and reformatory institutions of Massachusetts, which completed its work and reported to the Legislature in 1898.



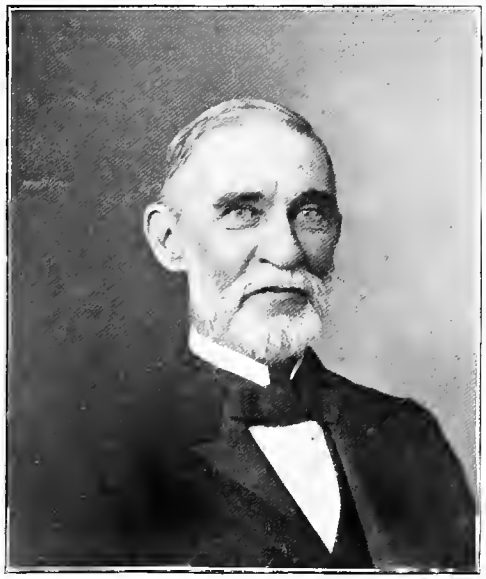
WILLIAM F. WHARTON.

Mr. Wharton has contributed a number of articles to leading magazines in the course of his life, and is the editor of the seventh edition of "Story on Partnership," which was published in 1881. He is one of the ablest members of the Boston bar, possessing a broad and accurate knowledge of the law and the characteristics of the thorough counselor. For many years he made inter-

national law a specialty. He is a member and secretary of the Boston Bar Association, and as a citizen is public spirited, patriotic and progressive.

Mr. Wharton has been twice married, first, October 31, 1877, to Fanny Pickman, daughter of William Dudley Pickman and Caroline Silsbee, of Boston. She died in October, 1880, leaving one son, William Pickman Wharton, and he married, second, February 10, 1891, Susan C., daughter of Col. Richard G. Lay, of Washington, D. C., consul-general at Ottawa under President Harrison. They have two children: Philip and Constance.

HALES WALLACE SUTER, Boston, lawyer and president of the Massachusetts Title Insurance Company, is the son of John and Sarah (Wallace) Suter and was born in Boston, Mass., December 30, 1828.



HALES WALLACE SUTER.

John Suter was born in Virginia, came to Boston when a boy in 1789 and made Boston his home. In early life he was a master mariner and engaged in the fur trade on the northwest coast of North America, making seven voyages to the Sandwich Islands, the Northwest coast and China. In 1820 he gave up going to sea and became a ship owner and merchant, engaged in the fur trade and trade to the East Indies. He died in 1852. Sarah Wallace, his wife, was the daughter of Thomas Wallace, a native of Carlisle, Scotland, and Sarah Hales, of Gloucester, Mass., a daughter of George Hales and Lydia Winslow.

Hales W. Suter is thus descended from English, Scotch and colonial ancestors and inherited from them the sturdy intellectual qualities which pave the way to success. When a boy he first attended Chauncey Hall School, entering the Boston Latin School then in School street at the age of twelve and graduating from Harvard College in 1850 in the same class with James C. Carter, Thomas Jefferson Coolidge, Prof. Henry Thayer and George C. Richardson, esq. On leaving college, Mr. Suter studied law in the offices of William J. Hubbard and John J. and Manlius S. Clarke and at the Harvard Law School, and was admitted to the Suffolk bar in 1852, and began practice in Boston, gradually building up a large business. He at one time formed a partnership with the late Hon. Charles T. Russell and his brother, Thomas H. Russell, the firm being known as Russells & Suter; the firm conducted a general law business until 1878 when it was dissolved.

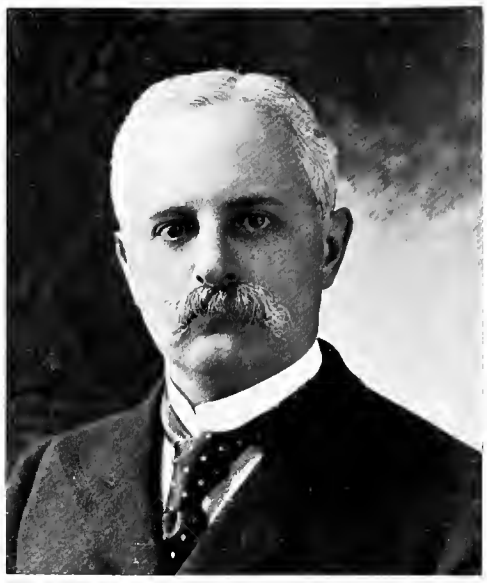
Mr. Suter has had the settlement of many estates, has done a large business in insolvency and bankruptcy, and has held and still holds as trustee a number of large estates. For many years he has been president of the Massachusetts Title Insurance Company; he is also president of the Calumet Woolen Company, the mills being in Uxbridge; was one of the originators of the Mercantile Trust Company and its first president; he resigned as president of the latter in 1897, but still continues a director of the company and member of the executive committee. He is also a director in the Mattapan Safe Deposit and Trust Company of South Boston, and was for many years president of Constitution Wharf until its sale to

the Fitchburg Railroad. He has been a Republican since the formation of the party, but has held no public office, except for two years in the Common Council. He has confined himself exclusively to the practice of his profession and the various duties devolved on him from the many trusts reposed in him and the care and management of business enterprises with which he is connected. He has been a member of Trinity church for forty years, also a member of St. Andrew's Lodge and one of the trustees of the Green Dragon Estate; also a member of the Bar Association since its establishment, a member of the Episcopalian Club, of the University Club, and an honorary member of the Boston Marine Society.

Mr. Suter was married September 24, 1856, to Harriet Emily, daughter of Osmer A. Bingham, a merchant in Boston, and Harriet Hills, his wife. Mrs. Suter died in 1885. He has one son, Rev. John Wallace Suter, a well known clergyman of the Episcopal church and rector of the Church of the Epiphany at Winchester, Mass., he being his only surviving child.

ROGER WOLCOTT, Boston, governor of Massachusetts in 1897, 1898 and 1899, is the son of J. Huntington Wolcott and Cornelia Frothingham, and was born in Boston on the 13th of July, 1847. His ancestors are among the most conspicuous figures in colonial New England. He is a lineal descendant of Roger Wolcott, who was second in command of Sir William Pepperell's expedition against Cape Breton in 1745, which resulted in the capture of Louisburg. Oliver Wolcott, another ancestor, was one of the signers of the Declaration of Independence, fought in the Revolutionary army against Burgoyne, and was brigadier-general on the battlefield of Saratoga. Both of these Wolcotts were governors of Connecticut. One of his maternal ancestors was a member of the historic Boston Tea Party, and another was prominent and active during the Revolutionary period as a member of the Charlestown Committee of Safety.

Roger Wolcott received his preparatory education in private schools in Boston. In 1870 he was graduated with honor from Harvard College, where he ranked well and also distinguished himself as class orator. He was a tutor at Harvard in 1871–72, while studying law at the Harvard Law School, from which he was graduated with the degree of LL.B. in 1874, being admitted to the Suffolk bar the



ROGER WOLCOTT.

same year. Since then he has devoted more or less of his time to the practice of his profession. The care of various estates, the management of financial matters, and the political arena have, however, occupied most of his energies, and although he has achieved considerable eminence as a lawyer he is perhaps better known in other important capacities. He was a member of the Boston Common Council in 1877, 1878 and 1879, and a member of the lower house of the Massachusetts Legislature in 1882, 1883 and 1884, taking in both instances a position among the leaders. He was one of the organizers and the first president of the Republican Club of Massachusetts in 1891. The next year he was the

Republican nominee for lieutenant-governor and was elected with the Democratic candidate for governor, William E. Russell. In 1893 he was renominated and returned with the entire Republican ticket, and was again re-elected in 1894 and 1895. On the death of Gov. Frederic T. Greenhalge on March 5, 1896, he became acting governor, and served as such during the remainder of that year. He was elected governor of Massachusetts in the fall of 1896 and re-elected in 1897 and 1898.

Governor Wolcott is one of the most popular citizens of his Commonwealth. He has always been a strong Republican, but on several occasions has displayed an independent spirit, both in public speech and in action. He is a good lawyer, a progressive and public spirited citizen, and a man of the highest honor, of ability, and of integrity. He is a member of several organizations, and has served as a trustee of the Massachusetts General Hospital and as overseer of Harvard University. September 2, 1874, he was married in Boston to Miss Edith Prescott, granddaughter of William H. Prescott, the historian, and a great-granddaughter of Col. William Prescott, who commanded the provincials at the Battle of Bunker Hill.

JOHN WILLIAM CORCORAN, LL.D., Boston, formerly associate justice of the Superior Court of Massachusetts, was born in Batavia, N. Y., June 15, 1853, and is the son of James Corcoran and Catherine Donnelly. His father came from Ireland to Clinton, Mass., and having a business opportunity in Batavia removed to that village, temporarily, to join a brother who had a contract for building what is now the New York Central and Hudson River Railroad. The family soon returned to Clinton, which has practically been Mr. Corcoran's lifelong home, and where he received his preliminary education in the public schools. He pursued his collegiate studies at Holy Cross College, Worcester, Mass., and at St. John's University, Fordham, N. Y., leaving the latter institution in his senior year on account of the death of his parents.

He was graduated from the Boston University Law School with the degree of LL.B. and admitted to the Worcester bar in June, 1875, and at once began the active practice of his profession at Clinton, where he very soon formed a copartnership with Herbert Parker, the present (1898) district attorney for Worcester county. The firm of Corcoran & Parker continued for several years, maintaining a high place at the Worcester bar and gaining an extensive legal business. He was also for a time the senior member of the law firm of Corcoran & Walsh, of Fitchburg. In 1889 Mr. Corcoran removed his office to Boston, where he successfully practiced alone until May, 1892, when he was appointed by Governor Russell an associate justice of the Massachusetts Superior Court. He filled this position with great ability and satisfaction until November, 1893, when he resigned and resumed the practice of law, taking up the business of Hon. Patrick A. Collins, who had been made consul-general at London by President Cleveland. Since then the firm of Collins & Corcoran has been an eminently strong one in Boston's legal circles.



JOHN W. CORCORAN.

Judge Corcoran is a man of marked legal and judicial ability, and for several years has been one of the foremost members of the Suffolk bar. Endowed with a strong individuality, and possessing unusual power in argument, he is at his best before a court and jury, where his numerous forensic efforts have won for him an enviable reputation. His broad and intimate knowledge of the law, his skill in examining witnesses, his ability as an orator, and his remarkable industry and perseverance are recognized and admired. In his practice he has given special attention to business and corporation matters. He has also been an active and influential factor in the affairs of the town of Clinton and in the councils of the Democratic party, of which he has long been a valued leader. He was town solicitor of Clinton from the creation of that office in 1883 until he went on the bench in June, 1892, when he resigned. He has been a member of the Clinton School Committee since 1877 and its chairman during the last fifteen years. He was chiefly instrumental in securing for Clinton its present water supply, and probably did more than any other one man in formulating the plans which resulted in the construction of the works; and he served as a member, chairman, secretary, or treasurer of the water board from its inception in 1881 to 1896, and in 1898 was again elected a member and chairman. He was also president of the Clinton Board of Trade in 1886 and 1887.

In the political affairs of the Commonwealth Judge Corcoran has been especially active. He was the Democratic candidate for district attorney of Worcester county in 1883 and 1884, for attorney-general of Massachusetts in 1886 and 1887, and for lieutenant-governor with William E. Russell at the head of the ticket in 1888, 1889, 1890, and 1891. In 1891 and 1892 he was judge advocate-general on Governor Russell's staff, resigning in the latter year to go upon the bench. He was a member of the Democratic State Committee from 1882 to 1892 and its chairman from 1890 to 1892, succeeding Patrick A. Collins, and in 1894 he succeeded Josiah Quincy as chairman of that body and served until he resigned in 1896. He was a delegate to the National Democratic Convention of 1884, from the old Ninth Massachusetts Congressional district; was unanimously elected a delegate from the same district to the convention of 1888 and acted as chairman of the Massachusetts delegation; was elected a delegate at large for Massachusetts in 1892, receiving the largest vote, but did not go on account of his appointment to the bench; and was a delegate and again chairman of the Massachusetts delegation to the convention at Chicago in 1896. He was the Democratic candidate from his district for representative to the General Court in 1877, for State senator in 1880, and for clerk of the courts of Worcester county in 1881. In 1893 he was chairman of the Massachusetts Board of Managers of the World's Columbian Exposition at Chicago, and rendered valuable service there in looking after the interests of his Commonwealth. On May 20, 1886, he was appointed by the comptroller of the United States as receiver of the Lancaster National Bank of Clinton, whose president had absconded, leaving the concern burdened with a large amount of worthless paper; and so successfully did he manage this trust that the creditors received, on November 21, 1894, dividends and interest aggregating 109 per cent. He also paid 27 per cent. in dividends to the stockholders, who, appreciating his efforts, voted to give him all of the bank's remaining assets. This was one of the greatest achievements in the history of banking, and illustrates Judge Corcoran's business ability and also reflects great credit upon him as a man of the highest integrity and honor.

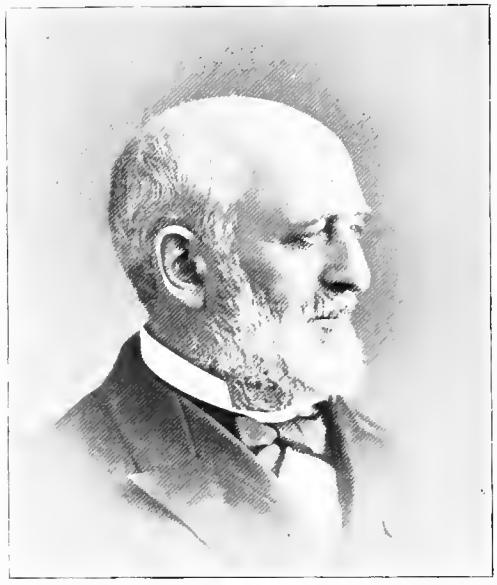
He is not only a successful lawyer, a good judge, an able political leader, and a careful financier, but, above all, he is an honest, public spirited and progressive citizen, actively interested in the affairs of his town and State and intensely alive to the moral and general advancement of the community. He is a member and was formerly president of the Clover Club of Boston, a member and formerly vice-

president of the Young Men's Democratic Club of Massachusetts, and a member of the Algonquin, Papyrus, and Orpheus Clubs of Boston. June 21, 1893, St. John's University at Fordham, N. Y., recognized his learning and eminence by conferring upon him the honorary degree of LL.D., and in 1896 he received the same degree from Georgetown (D. C.) College. In 1899 Holy Cross College conferred another LL.D.

He was married in Boston on the 28th of April, 1881, to Margaret J., daughter of Patrick and Mary McDonald; they have three children: Mary Gertrude, Alice Rosamond and John.

WILLIAM FREDERICK SLOCUM, A. M., Grafton and Boston, was descended in the eighth generation from Anthony Slocombe, one of the forty-six "first and ancient purchasers" in 1637 of the territory of Cohannet, which was incorporated March 3, 1639, as Taunton in New Plymouth, Mass. The founder of the family in this country was Giles Slocombe, who is supposed to have been a son of Anthony, and who settled in the township of Portsmouth, Newport county, R. I., about 1638. This Giles and his wife Joan were members of the Society of Friends, and died in 1682 and 1679 respectively, leaving nine children, of whom Eliezer Slocum was born in Portsmouth, R. I., in 1664, and moved to Dartmouth, Mass., about 1684. Ebenezer Slocum, son of Eliezer, was born in the latter town about 1705, and married Bathsheba Hull, and both were members of the Friends Society. Their son, David Slocum, was born in Dartmouth, Bristol county, Mass., September 23, 1740, moved to Tiverton, R. I., with his parents prior to 1756, and about 1770 removed to Tolland, Hampden county, Mass., where he died in December, 1818, and where his descendants subsequently resided. Eleazer Slocum, of the sixth generation from Anthony, was born May 27, 1768, in Tiverton, and moved with the family to Tolland, where he died November 17, 1834. He was a prominent citizen and for several years served as sheriff of Hampden county. Oliver Ellsworth Slocum, son of Eleazer, was born in Tolland, Mass., August 16, 1801, and was married there to Mary, daughter of Cephas and Hannah Mills. All these were farmers, active in town and church affairs, and worthy representatives of an honored and respected race.

William F. Slocum, the eldest son of Oliver E. and Mary (Mills) Slocum, was born in Tolland township, Hampden county, Mass., January 31, 1822. His early life was spent on the homestead farm and in attending the neighboring schools, and in these pursuits he laid the foundation of a robust physique and acquired the elementary training which served him well in professional work. He received an



WILLIAM F. SLOCUM.

academic education at Winsted, Conn., read law with Billings Palmer of Sheffield and later of Great Barrington, Mass., and was admitted to the Berkshire bar at Lenox in October, 1846. In December of the same year he began active practice in Grafton, Worcester county, where he continued alone until 1866, when he formed a copartnership with the late Judge Hamilton B. Staples and opened an office in Boston.

Mr. Slocum, however, maintained his residence in Grafton until April, 1869, when he moved to Newtonville, Mass. About this time he also associated himself with the new firm composed of Judge Staples and F. P. Goulding, of Worcester, where an office was conducted under Staples & Goulding, the Boston office being continued by Slocum & Staples. These relations were dissolved in 1871, Staples & Goulding taking the Worcester business and Mr. Slocum assuming sole charge of that in Boston. In October, 1871, he admitted his son, Winfield Scott Slocum, to partnership, under the firm name of W. F. & W. S. Slocum, which continued until the death of the subject of this memoir in September, 1896.

Mr. Slocum, while practicing in Grafton, acquired a large and successful law business, chiefly from the towns in the southeastern part of Worcester county, and Massachusetts Reports show that he argued a number of cases before the full bench of the Supreme Judicial Court, in many of which important questions of law and practice were discussed and settled. In Boston he found a wider field for his energies and ability, and became one of the leaders of the bar. He united marked legal qualifications with the most thorough preparation, and as a counselor and advocate won an enviable reputation. His excellent judgment, independence of action and sterling integrity of character made him a valuable and honored citizen of the community.

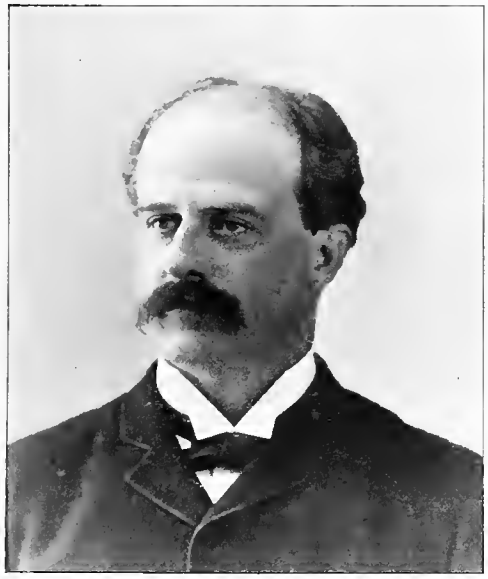
In politics he was an ardent Republican. He represented Grafton in the lower house of the Massachusetts Legislature in 1861, and for several years served as a member and at times as chairman of the Grafton School Committee and of the Board of Selectmen. In Newton, where he resided for twenty-seven years, he took an active part in municipal affairs, and was trial justice from 1871 to 1876, when the Newton Police Court was organized. He was sent as a delegate to Republican State conventions from Newton more than twenty times, and was a deacon of the Central Congregational church of that city from 1871 until his death. He was a member of the Boston and Newton Congregational Clubs, of the Massachusetts Club, and of the Boston Bar Association, and in 1871 received from Amherst College the honorary degree of Master of Arts. Mr. Slocum met with a sad and sudden death. While on his way to Boston on the morning of September 4, 1896, and when in the act of crossing the Boston and Albany Railroad tracks at Newtonville to reach his train, he was struck by the eastbound express and almost instantly killed.

Mr. Slocum was married April 21, 1847, to Margaret, daughter of Edward L. and Laura Tinker, of Tolland, Mass., where she was born July 4, 1827. She died January 25, 1888. They had four children: Winfield Scott, whose sketch appears in this work; Edward Tinker, born October 29, 1849, graduated as A. B. from Amherst College in 1871 and as LL.B. from the Boston University Law School in 1874, and formerly register and now judge of probate and insolvency for Berkshire county; William Frederick, born July 29, 1851, graduated from Amherst College, 1872, from the Andover Theological Seminary in 1878, and now president of Colorado College; and Henry O., born February 23, 1854, graduated from the Newton High School, and died January 22, 1878.

WINFIELD SCOTT SLOCUM, Boston, city solicitor of the city of Newton since 1881, is the eldest son of the late Hon. William Frederick Slocum and Margaret, daughter of Edward E. and Laura Tinker, his wife, and a lineal descendant in the eighth generation of Giles Slocombe, known as the founder of the family in America. In a memoir of his father, which appears in this work, will be found the direct family lineage, even to Anthony Slocombe, the supposed father of Giles, who became in 1637 one of the original forty-six "first and ancient purchasers" of Cohannet, which was incorporated in 1639 as Taunton in New Plymouth, Mass. This is

one of the oldest and most prominent families in New England, and from its ranks are descended a number of men who have won distinction in civil and professional life.

Mr. Slocum was born in Grafton, Worcester county, Mass., May 1, 1848. He attended the Grafton public and high schools, graduating from the latter in 1865, and then entered Amherst College, from which he was graduated with



WINFIELD S. SLOCUM.

honors in 1869 having an oration at commencement and holding membership in the Delta Kappa Epsilon. He read law in Boston with the well known firm of Slocum & Staples, composed of his father and the late Judge Hamilton B. Staples, and was admitted to the Suffolk bar October 25, 1871, and to the bar of the United States Circuit Court November 18, 1875. Immediately after his admission to practice in 1871 he formed a copartnership with his father, which continued under the firm name of W. F. & W. S. Slocum until the accidental death of the senior member on the 4th of September, 1896. He then succeeded to the firm's business and has since practiced alone.

In April, 1869, Mr. Slocum moved to Newton, Mass., with his father's family, and that city has since been his residence. He soon developed legal qualifications of a high order, and by industry and the exercise of great natural ability rapidly gained an enviable standing at the bar. He gave considerable attention to municipal law, and in April, 1881, was elected city solicitor of the city of Newton, which office he has ever since held, being now in point of continuous service the oldest city solicitor in Massachusetts. His career in this capacity has been one of uninterrupted honor and credit to him and to the municipality. It covers a period of nearly eighteen years, and the bare mention of the fact shows the esteem and confidence in which he is held by his fellow citizens. Two charters of the city, those of 1882 and 1897, have been revised and put into operation under his direction; the abolition of grade crossings along the Boston and Albany Railroad in the city limits has been accomplished; Commonwealth avenue was put through; and many other important public improvements have been achieved during the long period of his city solicitorship. In the recent case of the Town of Newton vs. the City of Newton, which involved important questions of betterments and the laying out of public streets, he displayed wonderful tact and secured a settlement satisfactory to all parties. He is a recognized authority on municipal law, not only because of his long service as city solicitor, but also from the fact that he has given special attention to the study of that branch of the profession. Besides this, he has devoted much time and thought to public matters. In 1882 he drafted and secured the passage of a legislative act authorizing the city of Newton to lay out and maintain public parks, and in 1889, as a member of the Legislature from Newton, he likewise drafted and secured the enactment of a law to provide for an additional water supply for the city. All of these as well as various other efforts on his part have stamped him as a public spirited, patriotic and progressive citizen.

Mr. Slocum, like his father, is an ardent Re-

publican, and has served as president of the Newton Republican Club and is now (1898) at the head of a Republican ward organization. He was a member of the Newton School Committee from 1874 to 1877, which was the first school board of the city, and was a representative from Newton to the lower house of the Massachusetts Legislature in 1888 and 1889, serving as a member of the important committee on cities both terms, as a member of the committee on bills in the third reading in 1888, and as chairman of the committee on cities in 1889. He is a member and past master (1896–98) of Dalhousie Lodge, F. & A. M., of Newton; a member of Newton Chapter, R. A. M., and of Gethsemane Commandery, K. T., of Newton; a member of the I. O. O. F. of Newton; a member of the Every Saturday Club of Newtonville; and a member of the Boston Bar Association, of the Boston and Newton Congregational Clubs, of the Massachusetts Club, of the Boston Athletic Association, of the Newton Club, and of the Central Congregational church of Newton.

Mr. Slocum was married October 7, 1873, to Annie A., daughter of Charles S. and Eliza (Trowbridge) Pulsifer, of Newtonville, Mass. They have had four children: Frederick Pulsifer (deceased), Agnes Elizabeth, Charles Pulsifer, and Winfield Scott, jr.

GEORGE BROOKS BIGELOW, Boston, was born April 25, 1836, in Boston, Mass., where he has always resided. He is descended from John Bigelow, who settled in Watertown, Mass., prior to 1642, and from Joshua Bigelow, son of John, who received from the General Court a grant of land in what is now the town of Westminster, Mass., for his services in King Philip's war. On his mother's side he is a descendant of Samuel Brooks, one of the first settlers of Brighton (now a part of Boston); of Joshua Brooks, a son of Captain Thomas Brooks, who settled in Concord, Mass., in 1636, and is of the same family as John Brooks, governor of Massachusetts from 1816 to 1823, Peter Chardon Brooks and the late Bishop Phillips Brooks. He is also connected by lineage with the Lawrence, Greene, Prescott, and other prominent families, and is the son of Samuel Bigelow and Anna Jane Brooks, his wife. His kinsmen have seen active service in the Colonial and Revolutionary wars as well as the war of 1812.



GEORGE B. BIGELOW.

Mr. Bigelow was educated in the old Chapman Hall private school in Boston under Master Amos Baker, and at Harvard College, from which he was graduated A. B. in 1856, having as classmates Charles Francis Adams, Judge George Z. Adams, William W. Burrage (class secretary), Daniel A. Gleason, Hon. Jeremiah Smith, and many others who became leading lawyers, jurists, and professional men. On leaving college he entered the law office of James Dana and Moses Gill Cobb, of Boston, and after spending a year at the Harvard Law School was admitted to the Suffolk bar December 31, 1859, before the Supreme Judicial Court, and later to the bar of the Circuit and District Courts of the United States. Mr. Bigelow has been actively and successfully engaged in the practice of his profession in

Boston since January, 1860. He remained with Dana & Cobb until Mr. Cobb's removal to California, when he formed a copartnership with Mr. Dana, under the firm name of Dana & Bigelow, which continued about two years, when Mr. Dana retired. Later he had as a partner Charles J. McIntire, now judge of the Probate Court of Middlesex county, and still later Samuel C. Darling; but with these exceptions he has continued to practice alone, devoting himself to office business pertaining to the settlement of estates, probate matters, conveyancing, mercantile affairs, organization of corporations, etc. Since about 1870 he has been the attorney for The Boston Five Cents Savings Bank, one of the largest institutions in the Commonwealth, and to its interests and welfare he has given the best results of his judgment and care.

In politics Mr. Bigelow is an ardent Republican, but he has never sought office by either appointment or election. He has devoted his time and energies almost exclusively to a large and constantly increasing office practice, achieving by his recognized legal ability and persistent application a high standing at the bar and a leadership among his eminent professional brethren. Methodical in his habits, courteous and companionable in all his intercourse, and a scholar by nature and practice, he is a man of great force of character, and during an active career of nearly forty years has enjoyed the respect and confidence of the entire community. He is a member of the Bostonian Society, of the Boston Art Club, of the Boston Athletic Association, and of the Exchange Club.

Mr. Bigelow was married June 2, 1869, to Clara P., daughter of Ivory Bean, a prominent contractor and builder of Boston.

ASA FRENCH, Boston, judge of the Court of Alabama Claims at Washington during the existence of that tribunal, was born October 21, 1829, in Braintree, Mass., where he has always resided. The old homestead in Braintree, which he still occupies, was settled in 1640 by his first American ancestor, John French, who came there from England, and it has never been out of the family. His ancestors have been prominent citizens of that town for nearly 260 years, serving it in various official capacities and exerting a wholesome influence upon its growth and prosperity. His great-grandfather, Capt. Moses French, was a soldier in the Revolutionary war, and his grandfather, Asa French (from whom he was named), was for many years postmaster of Braintree, town clerk, town treasurer, etc. Jonathan French, father of the judge, married Sarah B. Hayward, and was a respected farmer, town treasurer, and selectman.

Judge French attended the public schools of Braintree, received his preparatory education at the Leicester Academy in Worcester county,



ASA FRENCH.

and in 1847 entered Yale College, from which he was graduated with honors in 1851, and was a member of the Yale Chapter, Phi Beta Kappa. He then entered the Harvard Law School, but a year later transferred his studies to the Albany Law School, and while there was a student in the office of John V. L. Pruyn and John H. Reynolds, two of the leading

members of the Albany bar. After spending a term in that institution he returned to the Harvard Law School and took his degree of LL.B. in 1853. He also read law in Boston with David A. Simmons and Harvey Jewell, and upon his admission to the Suffolk bar in the fall of 1853 began active practice in that city as a partner of the late George White. This copartnership continued until July, 1858, when Governor Banks appointed Mr. White judge of the Court of Probate and Insolvency for Norfolk county. Since then Mr. French has practiced his profession alone.

In 1869 he was appointed by Governor Claflin district attorney for the Southeastern district of Massachusetts to fill the vacancy caused by the resignation of the late Hon. Edward L. Pierce, and by subsequent elections by the people held that office for thirteen years, or until 1882, when he resigned to accept the judgeship of the Court of Alabama Claims at Washington. He officiated as judge with great dignity and satisfaction during the existence of that court, relinquishing the post December 31, 1885, and then resumed the active practice of his profession in Boston. In 1882 he was nominated by Governor Long to succeed Judge Ezra Wilkinson, deceased, as associate justice of the Superior Court of Massachusetts, but he declined the honor. In 1886 he was tendered by Governor Robinson a position on the State Board of Arbitration and Conciliation, created by Act of the Legislature that year, having been recommended by the other two members as provided in Sect. 1 of that Act, but declined.

Judge French is an able lawyer, and for many years has been a prominent member of the Suffolk bar. His strong legal qualifications, his good judgment and sound common sense, his power for argument, and his keen discrimination between right and wrong are widely recognized and admired. On the bench he displayed rare judicial qualities and won universal approbation. He possesses a thorough knowledge of the law, and has attained that eminence in the profession which true merit, combined with industry and natural ability, usually brings. During a long and active career he has been connected with many important cases, one of the most noteworthy being the celebrated Andover case, in which he was associated with the late Judge Hoar as counsel of the Board of Visitors. In politics he has always been a consistent Republican. He was a member of the lower house of the Legislature in 1866, and while acting as district attorney was also a member of the Massachusetts Fish Commission, but resigned both offices on being appointed judge in 1882. He has been president of the board of trustees of Thayer Academy at Braintree since the death of Hon. George Tyler Bigelow, the first president, in 1878, and has also been chairman of the board of trustees of the Thayer Public Library, of the same place, since its foundation. He was the first president of the Norfolk Club and was one of the earliest members of the University Club.

Judge French was married June 13, 1855, to Miss Ellen Clizbe, daughter of Ellis Clizbe, of Amsterdam, N. Y., who died September 12, of the same year. In October, 1858, he married for his second wife Miss Sophia B., daughter of Simeon Palmer, of Boston, who died December 25, 1891. They had five children, of whom four are living: Asa Palmer French, a lawyer of Boston, who gained recognition in the recent Bram trial; and Emma L., Harriet C. (wife of Charles W. Mixter of Plymouth, Mass.), and Sophia M.

WILLIAM ADAMS MUNROE, Boston, son of William Watson Munroe, and Hannah Foster Adams, was born in Cambridge, Mass., November 9, 1843. He is a lineal descendant of William Munroe, born in 1625, who came from Scotland to Lexington, Mass., in 1652, and who died in 1717. The line from him is George (2), William (3), Deacon James (4), Deacon James (5), William W. (6), and William A. (7). Deacon James Munroe, sr., who married Lucy Watson, was a deacon of the First Congregational church of Cam-

bridge from 1783 until his death. Deacon James, jr., his son, also a deacon of that church, was married June 10, 1804, to Rebecca Watson of Cambridge. The family took a prominent part in the struggle for American Independence, and for several generations has been active and influential in Cambridge and vicinity, being closely identified with religious and educational matters, and representing in every path of life those sterling principles which characterize the typical New Englanders.



WILLIAM A. MUNROE.

William Watson Munroe was engaged in mercantile business in Cambridge, and died in August, 1876, and was the brother of James Munroe, a prominent Boston publisher. His wife was the daughter of William Adams and a granddaughter of John Adams of Arlington, Mass., where her family were very early settlers.

William A. Munroe inherited the force of character and strength of purpose which distinguished his ancestors on both sides, and by steady application has developed a career worthy of emulating. He received his preparatory education in the Cambridge grammar and high schools, graduating from the latter in 1860, and then entered Harvard College, from which he was graduated with honors in 1864, having an English dissertation at commencement, and holding membership in the Phi Beta Kappa fraternity and in the Natural History Society. During the next two years he acted as a private tutor and also continued his studies. He read law at the Harvard Law School in 1866 and 1867 and subsequently in the office of Chandler, Shattuck & Thayer of Boston, and was admitted to the Suffolk bar July 25, 1868. In the autumn of that year he began the general practice of his profession, first with his legal preceptors and afterward alone, and in February, 1870, he formed a copartnership with George Otis Shattuck, formerly of Chandler, Shattuck & Thayer, which continued until Mr. Shattuck's death on February 23, 1897. From 1873 until his appointment as associate justice of the Supreme Judicial Court in December, 1882, Hon. Oliver Wendell Holmes, jr., was also a member of this firm under the style of Shattuck, Holmes & Munroe; during the remainder of the twenty-seven years of its existence the firm name was Shattuck & Munroe. This became one of the strongest and best known law firms in Boston, and for an unusually long period was constantly before the courts as counsel in leading cases. Since the death of Mr. Shattuck he has practiced alone, continuing the old firm's business.

Mr. Munroe rapidly gained a recognized standing at the bar, his natural ability, his unremitting industry, and his broad legal qualifications all bringing him into prominence, both as a lawyer and an advocate. He is a member of the bar of the United States Supreme Court. He was counsel in a large number of cases growing out of the Alabama Claims, and has been connected with many other important cases, among them those of Snow vs. Alley and Lowell vs. Willard et al. He was also retained as counsel in the King habeas corpus proceedings and in the recent litigation which involved damages to mill owners by the taking of water from the South Nashua River by the city of Boston for its water supply. In these as well as in other

large trials he displayed a thorough and comprehensive knowledge of the law and remarkable ability as an advocate. Mr. Munroe has practically been a lifelong resident of Cambridge, where he has been for many years an active, progressive and influential citizen. He was one of the commissioners to revise the Cambridge city charter in 1890, has been a member of the School Committee at different times for thirteen years, and has served as chairman of the Cambridge Latin and High School Committees. In politics he is a Republican. He has been a trustee of the Newton Theological Institution for several years and is now president of the board; has been a member of the Boston Baptist Social Union since 1866 and was its president in 1882; was a founder and one of the incorporators of the Colonial Club of Cambridge, and is still a member; was for several years a trustee of the Avon Home of Cambridge; and is a director of the Cambridge Young Men's Christian Association and a member of the corporation of the Cambridge Savings Bank. He is also a trustee and a member of the Corporation of the Cambridge Hospital, a director of the Ames Plow Company of Boston, a member of the Cambridge Club, of which he was president in 1890, and a member of the First Baptist church of Cambridge.

Mr. Munroe was married November 22, 1871, to Sarah D. Whiting, a native of Salem and the daughter of Asa A. Whiting, of Plymouth, Mass. They have one daughter, Helen Whiting Munroe.

HENRY PARKMAN, A. M., Boston, is descended from those Puritan settlers of New England who braved untold dangers during the early history of the colonies. He is a great-great-grandson of Ebenezer Parkman, for fifty years the beloved pastor of the church in Westboro, Mass., a great-grandson of Samuel Parkman, a prominent Boston merchant; a grandson of Samuel and Mary Bromfield (Mason) Parkman; and the son of Dr. Samuel and Mary Eliot (Dwight) Parkman, of Boston. His mother was the daughter of Edmund Dwight, from whom one of Boston's grammar schools is named. Dr. Samuel Parkman, father of Henry, was a distinguished physician in Boston until his death in 1854, and was present, at the Massachusetts Hospital, at the first demonstration of ether made in the world.



HENRY PARKMAN.

Henry Parkman was born in Boston Mass., May 23, 1850, received his preparatory education at the private school of Epes Sargent Dixwell, and was graduated from Harvard University in 1870, among his classmates being Gov. Roger Wolcott, Godfrey Morse, of the Boston bar, and Hon. William F. Wharton, first assistant secretary of state under James G. Blaine. While in college he was a member of the Hasty Pudding Club and other organizations. He was graduated from Harvard Law School with the degree of LL. B. in 1873, and remaining there another year took the degree of A. M. in 1874. He was admitted to the Suffolk bar in June, 1874, and for several years thereafter was in the office of the well known law firm of Russell & Putnam. About 1882 he

began active practice alone. He soon gained a high standing at the bar for his ability, industry and good judgment, and successfully built up a large legal business, which was almost exclusively of a chamber character. His duties were gradually confined to the management, settlement, and administration of trusts and estates, either as trustee, executor, or counsel.

He has been for many years a leading Republican, and has filled several positions with great credit and satisfaction. He was a member of the Boston Common Council from 1879 to 1884 inclusive, a representative to the lower house of the Legislature from Ward Nine, Boston, in 1887, 1888 and 1889, and a member of the State Senate from the old Fifth Suffolk district in 1892 and 1893. In the House he served as chairman of the committee on cities, bills in third reading, and horse railroads, and in the Senate he was chairman of the committee on cities and a member of various other important committees. He was appointed a member of the Massachusetts State Prison Commission by Governer Greenhalge and reappointed by Governor Wolcott, and has been its chairman since 1896. On two or three different occasions he was elected chairman of the City Republican Committee of Boston, and rendered it valuable and efficient service. He has been actively identified with the Provident Institution for Savings of Boston for about twenty years, serving it for a time as secretary, and being its treasurer since 1895. Mr. Parkman is a public spirited citizen, an energetic business man, and a lawyer of recognized ability and prominence. He is a member of the Union, St. Botolph, Country, and Eastern Yacht Clubs, of the Boston Athletic Association, and of several other social organizations.

In August, 1890, he was married to Mary Frances Parker, daughter of Hon. Cortlandt Parker, the leader of the bar of Newark, N. J., and one of the most eminent lawyers of that State. They have five children: Mary Elizabeth, Edith Wolcott, Henry, jr., Penelope Frances and a baby.

BENJAMIN L. M. TOWER, Boston, is the eldest son and child of Dr. George and Adeline (Lane) Tower, and a lineal descendant in the tenth generation of Robert and Dorothy (Damon) Tower, of Hingham, Norfolk, England, whose son, John Tower, was born in 1609 and came to New England in 1637. John Tower was one of the first settlers of Hingham, Mass. In 1638–9 he married Margaret Ibrook, of Charlestown, and their son, Ibrook Tower, became one of the founders



BENJAMIN L. M. TOWER.

of Cohasset, Mass., where he held various town offices, and where the family has ever since maintained the parental homestead. Daniel Tower, the youngest child of Ibrook, was born there July 24, 1692, and by his wife, Sarah Lincoln, had a son, Daniel, jr., who married Bethiah Nichols. Their son Levi served several years in the Revolutionary army, first as a drummer and afterward as a soldier, and was present at the siege of Boston and in other engagements in the vicinity. Nicholas Tower, son of Levi, was born in Cohasset in 1787, married Anne Bates, and died there in 1866. Their son, Dr. George Tower, father of the subject of this article, was born April 9, 1811,

and became a prominent physician in Boston, where he died May 11, 1876.

Benjamin L. M. Tower was born in Boston, Mass., June 17, 1848. He was graduated from the Boston Latin School, as a Franklin medal scholar, in 1865, and the same year entered Harvard College, from which he was graduated with honors in 1869, holding membership in the Institute of 1770 and in the old O. K. Society. After spending about a year in the Harvard Law School he became a student in the office of Brooks & Ball, then the leading mercantile and corporation lawyers in Boston, and has practically been connected with that firm and its successors ever since, succeeding finally to its business. He was admitted to the Suffolk bar in December, 1871, and in 1874, with Moorfield Storey, was made a member of the firm under the name of Brooks, Ball & Storey, which became, after the death of Mr. Brooks in 1887, Ball, Storey & Tower. A little later Mr. Storey retired on account of his connection with the Union Pacific Railroad and the name was changed to Ball & Tower. Mr. Ball's death occurred in December, 1892, and from then until July of the present year Mr. Tower continued the business alone under the name of Ball & Tower. The present firm of Tower & North was formed July 1, 1899.

Mr. Tower's practice is exclusively in those departments relating to banks, corporations, and mercantile matters, and during an active professional career of twenty-seven years he has been eminently successful. The old firm of Brooks & Ball were counsel for the receivers of the Boston, Hartford & Erie Railroad, which subsequently became the New York & New England, and in the trial and settlement of the numerous cases which grew out of the affairs of that corporation he acquired much valuable experience by reason of the active part he took in those matters. He also gained a high reputation in the practice of bankruptcy law, which he specialized until the act of 1867 was repealed. As a corporation lawyer, connected with many large and important interests, he has achieved eminent success, and is recognized as one of the ablest members of the Boston bar engaged in that branch of the profession. He is not only a wise and safe counselor, but a strong advocate, forcible in argument, and clear and convincing in the presentation of facts.

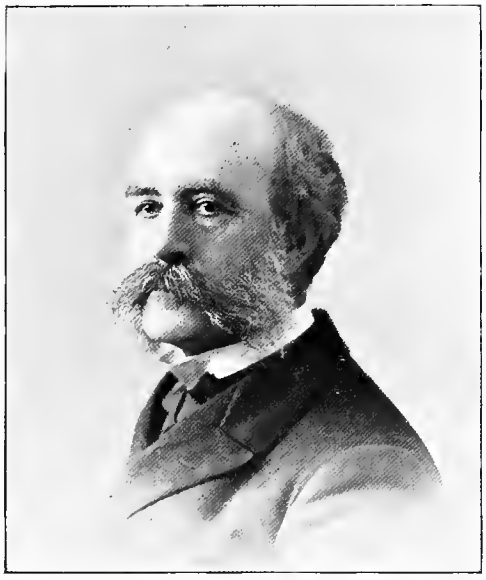
Mr. Tower is a consistent Republican, but has never sought nor accepted political office, preferring the uninterrupted practice of his profession. He has contributed occasional articles to the newspapers, is a member of the leading clubs of his native city, and is a prominent Mason, being past master of St. John's Lodge, F. & A. M., and past commander of St. Bernard Commandery, K. T. He has also been a member of the Boston Bar Association since its establishment in 1876, and as a citizen is public spirited, patriotic, and enterprising.

Mr. Tower was married July 3, 1879, to Eliza A., daughter of Dr. Samuel Kneeland, the well known scientist and professor of the Massachusetts Institute of Technology, and Eliza M. Curtis, his wife, of Boston. They have four children: George Homer (a student at Harvard College, class of 1901), Eliza Curtis, Benjamin Curtis, and Adeline Lane.

BENJAMIN FRANKLIN HAYES, Medford, practicing in Boston, is the son of Frederick and Sarah (Hurd) Hayes, a grandson of Elijah and Mary (Grant) Hayes, and a direct descendant of John Hayes, a Scotch Puritan who came to this country from Scotland and settled in New England in 1680. His mother was the daughter of Benjamin Hurd, of North Berwick, Me., who was a son of Benjamin Hurd, sr., a soldier in the army of the Revolution, and Johanna (Chadbourne) Hurd, his wife, descendants of the Hurd and Chadbourne families who were among the very earliest settlers in western Maine.

Benjamin F. Hayes was born in the town of Berwick in the State of Maine on the 3d of July, 1836. He received his primary educa-

tion in the Berwick public schools and at Lebanon Academy in Maine and was fitted for college at New Hampton Academy in New Hampshire. He entered Dartmouth in 1855 and was graduated therefrom in 1859. On leaving college he became a student in the law office of Wells & Eastman, of Great Falls, N. H., and continued his legal studies under their instruction one year. In 1860 he entered the



BENJAMIN F. HAYES.

Harvard Law School, where he remained another year, and was admitted to the Suffolk bar in Boston on March 18, 1861, while a student in the law school. At the close of the law school year he entered the law office of Baker & Sullivan of Boston, and a short time afterward began the active practice of his profession in Medford, Mass., as a partner of Hon. Elihu C. Baker and George S. Sullivan, son of Attorney-General John Sullivan, of New Hampshire.

In 1862 Mr. Hayes was appointed a trial justice for the county of Middlesex by Governor John A. Andrew, and held the office until well into the year 1873, when he resigned. In 1864 he was also appointed an assistant United States assessor under the revenue law then in force, under Phineas J. Stone, of Charlestown, and served in that capacity about six years. He represented the town of Medford in the General Court of 1872, 1873, and 1874, and was a senator in 1878 and 1879, and during a part of his legislative service he was chairman of the committee on towns and received the congratulations of the speaker of the House on his success in carrying through every measure upon which his committee had reported favorably and in defeating all those against which it had decided. In 1879 Gov. Talbot recommended many constitutional amendments and in consequence for the first time a joint committee on constitutional amendments was established, and Mr. Hayes was the chairman on the part of the Senate. This committee then reported an amendment providing for biennial elections and biennial sessions of the Legislature, and it passed both branches with substantial unanimity. He was a member of the Medford School Board from 1868 to 1871. He took an active part in the introduction of water into the town and for some time was chairman of the Medford Water Board, being first chosen to the position in 1870. The town obtained a city charter in 1892 and organized a city government under the name of the city of Medford in January, 1893, and on the 24th of that month Mr. Hayes was appointed its first city solicitor by Gen. S. C. Lawrence, the first mayor, and he still holds that office. He had for many years previously transacted the general law business of the town, was for some time chairman of the town appropriation committee, and had represented the town in numerous important matters before the courts and legislative committees. Upon the organization of the Medford Savings Bank in 1869 he was elected one of its trustees and a member of its board of investment, and he still serves the bank in those capacities. In politics he is a Republican. He has been a member of the Bar Association of the city of Boston since its establishment in 1876, and is also a member of Mount Hermon Lodge, F. & A. M.

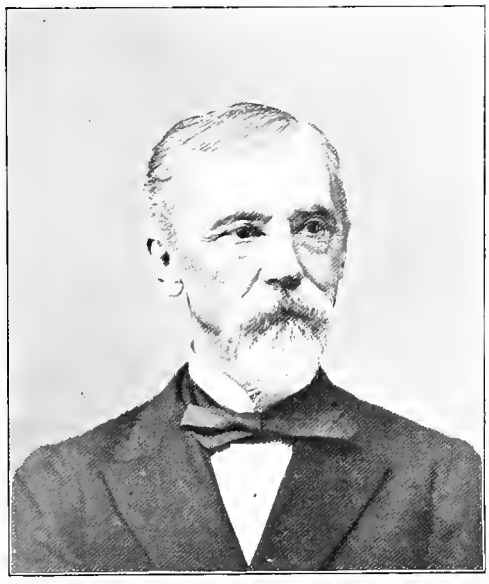
For many years Mr. Hayes has maintained a law office in Boston, where, as in Medford,

he is recognized as a lawyer of ability and as a man of integrity and honor. He has filled the positions to which he has been called with great credit, and in the discharge of every duty has been faithful, conscientious, and true. In the Legislature, in town and city offices, and in the practice of his profession he has won general confidence and respect.

Mr. Hayes was married in 1867 to Abbie Dwight Stetson, daughter of Deacon Jonathan and Harriet (James) Stetson, of Medford. She died in 1869 and in 1876 he was married to Mary Hall Harlow, daughter of Thomas S. Harlow and Lucy J. (Hall) Harlow, also of Medford.

THOMAS HASTINGS RUSSELL, Boston, is a lineal descendant of John Russell, who settled in Cambridge, Mass., in 1636, and who served for a time as clerk of the courts. He is the son of Hon. Charles Russell and Persis Hastings, and on his mother's side is descended from Samuel Hastings, who located at Watertown, Mass., in 1640. His paternal grandmother was a descendant of John Whitman, who settled on the "south shore" of Massachusetts in 1740, and who was the ancestor of Dr. Marcus Whitman, the father and hero of Oregon. His maternal great-grandfather, Capt. Samuel Hastings, settled in Princeton, Mass., in 1759, and was a captain in the Revolutionary war, holding a commission signed by Gov. John Hancock; he married a Bigelow, a relative of Erastus B. Bigelow, the inventor of the cotton loom. Hon. Charles Russell was a distinguished citizen of Princeton, being a representative, State senator, and councilman for about seventeen years and serving also as postmaster, town clerk, justice of the peace, etc.; by occupation he was a merchant.

Thomas H. Russell was born in Princeton, Mass., October 12, 1820, and received his primary education in the public schools of his native town. He also attended the Princeton and Westminster Academies, was fitted for college under private tutors at Cambridge, and was graduated from Harvard in 1843, holding membership in the Phi Beta Kappa, the Alpha Delta Phi, the I. O. H., and the Hasty Pudding Club. After graduating he entered the Harvard Law School, and after a course there he entered as a student in the office of his elder brother, Charles Theodore Russell, sr., in Boston. He was admitted to the Suffolk bar in July, 1845, and on September 1 of the same



THOMAS H. RUSSELL.

year formed a copartnership with his brother which continued under the firm name of C. T. & T. H. Russell until the death of the senior member in January, 1896. Since then the style has been Russell & Russell. This is one of the oldest and strongest law firms in Boston. S. C. Bigelow was a partner in it for two years and Hales W. Suter was a member for about five years. Charles Theodore Russell, jr., became a partner in 1875 and his brother, the late William E. Russell, afterward governor of Massachusetts (sketches of these as well as a memoir of Charles T. Russell, sr., appear in this work), in 1880. Arthur H. Russell, son of Thomas H., was admitted to the firm in January, 1884, and it now consists of Thomas H., Charles T., jr., and Arthur H. Russell.

Mr. Russell is one of the leading members of the Boston bar. He has from the first enjoyed a large general civil practice, and as a lawyer and advocate has achieved distinction by the exercise of great natural ability combined with indomitable industry and a broad and accurate knowledge of the law. He was a member of the lower house of the Massachusetts Legislature in 1853, 1854, 1857 and 1859, serving as chairman of the committee on bills in the third reading and as a member of the probate, judiciary, and other committees. He was also chairman of the House special committee on Harvard College, of the original committee having charge of the real estate betterment law, of the committee on the laws relating to usury, and of the special committee that investigated the State liquor agencies. He took a prominent part in legislation during his four terms and was influential in securing the passage of many important measures. He was for a time a member of the Board of Visitors and for about thirty-five years has been one of the trustees of the Andover Theological Seminary and Philips Academy, and for several years was a member of the Board of Trustees of the American fund of Jafna College of Ceylon. He has been clerk and treasurer of the Central Congregational Society of Boston during the last fifty years and one of the executive officers of that church for about forty years, and was a member of the building committee during the erection of the handsome edifice on the corner of Newbury and Berkley streets. He was also for many years superintendent of its Sunday school. His interest in this church has been unflagging, and for more than half a century he has been one of its leading members and chief supporters. He has been a trustee of the property at 25, 27 and 29 State street, Boston, for over thirty years, and is now chairman of the board, succeeding Hon. Josiah Quincy in that position. This building is among Boston's leading structures, and its erection and elegant equipment for office purposes are largely due to Mr. Russell's energy and forethought. He is a member of the Bostonian Society, of the Boston Young Men's Christian Association, and of other social and semi-religious bodies, and as a citizen is public spirited, enterprising and patriotic, liberally encouraging every good improvement and supporting all commendable enterprises.

Mr. Russell was married October 6, 1847, to Maria Louisa Wiswall, daughter of Artemas Wiswall, of Boston, and a descendant from "Ruling Elder" Thomas Wiswall, who removed in 1654 from Dorchester to "New Town," now Newton, Mass. She died March 18, 1892. They had five children: Charles Frederick, who died leaving three sons, the oldest of whom, Thomas Hastings Russell, 2d, is now (1898) a student in the Boston Law School; Annie Louise, wife of Arthur G. Stanwood, assistant treasurer of the C., B. & Q. Railroad; Mary Louise, wife of Edward Walley, son of Hon. Samuel H. Walley, of Boston; Alice Wiswall, wife of Rev. Henry P. Peck, of Milford, N. H., and Arthur Hastings.

Arthur Hastings Russell, Boston, was born in Boston, Mass., December 1, 1859, and was graduated from Amherst College in 1881. He read law at the Boston University Law School and in the Boston office of his father, and was admitted to the Suffolk bar in January, 1884. Since then he has been successively a member of the well known law firms of C. T. & T. H. Russell and Russell & Russell. He has gained a high standing among the younger members of the Boston bar, and is a lawyer and advocate of recognized ability. He was married in Boston to Miss Fannie E. Hunt, February 17, 1885, and resides in Winchester.

JOHN TYLER HASSAM, Boston, eldest son of John and Abby (Hilton) Hassam, is a lineal descendant of William Hassam, or Horsham, who came from England to Manchester, Mass., about 1684, and died there about 1735. This ancestor was married in Marblehead, December 4, 1684, to Sarah, daugh-

ter of Samuel Allen, of Manchester. Jonathan Hassam, sixth son of William and Sarah, was born August 17, 1702, in Manchester, where he married, August 10, 1727, Mary Bennett, and where he died February 21, 1754. William Hassam, youngest son of Jonathan, was born August 11, 1752, in Manchester, and died there April 9, 1833. There, too, he married, May 15, 1780, Elizabeth, daughter of Ambrose Allen. Jonathan Hassam, second son of William and Elizabeth (Allen) Hassam, was born in Manchester on May 23, 1784, and died there



JOHN T. HASSAM.

January 14, 1859. He married, first, October 22, 1808, Sally Cheever, of Manchester, who died August 19, 1848, and who was a daughter of John Cheever, and a descendant in the fifth generation from Ezekiel Cheever, master of the Boston Latin School, who was born in London, January 25, 1614, came to Boston in June, 1637, and died there August 21, 1708. In 1849 Mr. Hassam married, second, Mary, widow of Thomas Smith. John Hassam, eldest son of Jonathan and Sally (Cheever) Hassam, was born in Manchester, Mass., September 4, 1809, and died in Boston on August 3, 1885. He was married in Manchester, May 15, 1836, to Abby, daughter of Amos Hilton and a descendant in the eighth generation of William Hilton, who came from London to Plymouth, Mass., in the ship Fortune in November, 1621.

John Tyler Hassam was born in Boston, Mass., September 20, 1841. He fitted for college at the Boston Latin School and was graduated from Harvard in 1863. On December 8, 1863, he entered the army as first lieutenant of the Seventy-fifth United States Colored Infantry and remained in the service until August 1, 1864, taking part in the Red River expedition. He studied law in the office of Hon. Ambrose A. Ranney, then senior partner in the firm of Ranney & Morse, and was admitted to the Suffolk bar December 13, 1867. Since then he has been engaged in the active and successful practice of his profession in Boston, devoting himself principally of late years to conveyancing. He has achieved an eminent position at the bar, and is widely recognized as a man of ability, of unusual good judgment and integrity, and of indomitable industry. He has performed an important and valuable work on the records and documents of Suffolk county, and their improved condition is largely due to his efforts. As one of the commissioners appointed by the Superior Court of Massachusetts, on April 5, 1884, under whose authority the indices in the Suffolk registry of deeds are made, he brought about the re-indexing of the entire mass of records there on the present plan; and the printing of the early volumes of the Suffolk deeds is due solely to him. He also succeeded in rescuing from threatened destruction a large part of the original court-files of Suffolk county, and in obtaining the appropriation necessary for their preservation and proper arrangement, and through his exertions the records, files, papers and documents in the State department have been systematically arranged and made accessible for reference. Indeed, in every possible way that a deep antiquarian interest could suggest, he has labored successfully for the safety and preservation of not only the records of Boston, but also those of the Commonwealth.

Mr. Hassam was one of the earliest advocates of land transfer reform in the newspaper and periodical press and before legislative committees, and he was the first member of the Suffolk bar to call public attention to the Australian or Torrens system of registration of title. For several years he has been chairman of the executive committee of the Land Transfer Reform League of Boston. His interest in historical and genealogical matters dates from his college days. He has been a member of the New England Historic Genealogical Society since February, 1867; of the Massachusetts Historical Society since 1881; of the American Historical Association since 1884; and a corresponding member of the Weymouth Historical Society for many years. He was one of the original members of the Boston Antiquarian Club, organized in 1879, subsequently, in 1881, merged in the Bostonian Society, and a corporate member of the latter society and for nine years a member of its board of directors.

In the Historic Genealogical Society, of which he was long a director and became a councillor when the council was substituted for the board of directors by a change in the by-laws in 1889, he first set on foot the exhaustive researches in England, undertaken by the society through Henry F. Waters, and was for eight years chairman of the committee under whose direction the work has been carried on. For six years he was chairman of the society's library committee. He has been a frequent contributor to the society's quarterly publication, the New England Historical and Genealogical Register, and among his antiquarian and genealogical papers which have been printed in pamphlet form are: "The Hassam Family" (1870 and Additional Notes, 1889); "Some of the Descendants of William Hilton" (1877); "Ezekiel Cheever, and some of his Descendants" (1879, Part Second 1884 and Additional Notes 1887); "Boston Taverns with Some Suggestions on the Proper Mode for Indexing the Public Records" (1880); "Notes and Queries Concerning the Hassam and Hilton Families" (1880); "Early Suffolk Deeds" (1881); "The Dover Settlement and the Hiltons" (1882); "Bartholomew and Richard Cheever, and Some of their Descendants" (1882); "The Facilities for Genealogical Research in the Registries of Probate in Boston and London" (1884); "Land Transfer Reform" (1891); second edition, with additional papers (1891); "Land Transfer Reform: A Practical Point of View" (1893); "The Confiscated Estates of Boston Loyalists" (1895); "Dunster Papers" (1895); "Hilton Letters" (1895); "The Hassam Family" (1896); "The Cheever Family" (1896); "Ensign William Hilton of York, Me." (1896); and "Early Recorders and Registers of Deeds for the County of Suffolk, Massachusetts 1639–1735" (1898). These various productions stamp him as a man of unusual literary talent and also of true historical and genealogical instinct and ability. In brief, he is an able lawyer, a natural historian and genealogist, and a public spirited, patriotic and progressive citizen. He is also a member of the Bunker Hill Monument Association, the Bar Association of the city of Boston, and of the Virginia Historical Society.

Mr. Hassam was married February 14, 1878, to Miss Nelly Alden Bachelder, daughter of Dr. John Henry Bachelder, of Salem, Mass.; they have one daughter, Eleanor.

FRANCIS WILLIAM HURD, A. M., Boston, is the son of William and Mary (Parks) Hurd, a grandson of Joseph Hurd, and a great-grandson of Benjamin Hurd, all prominent residents of Charlestown, Mass. Joseph Hurd was for many years a leading Boston merchant, and after retiring from business removed to Portsmouth, N. H., where he died. Mr. Hurd's mother was the daughter of Warham Parks, who married Rebecca, daughter of Nathaniel Gorham, a member of the first Massachusetts Constitutional Convention of 1787, president of the Continental Congress, and a resident of Charlestown, who was descended from John Howland, one of the immortal Mayflower band.

Mr. Hurd was born in Charlestown, Mass., in the shadow of the Bunker Hill monument, on the 5th of April, 1831. He attended successively the private school of the late Harrison Gray Otis Blake in his native town, the Winthrop High School one year, the Chauncey Hall School in Boston for four years, and Duncan Bradford's private school, and in 1848 entered Harvard College, from which he was graduated in 1852. While there he was a member of the Institute of 1770, the Psi U, and other literary clubs. After leaving college he spent a year in the law office of Mann, Rodman & Pierson of New York city, another year at the Harvard Law School, and still another year in Boston in the office of Hutchins & Wheeler, and was admitted to the Suffolk bar in November, 1855.

He at once began active practice of his profession in Boston, and upon the establishment of the Municipal Court in 1866 was appointed one of its three judges, which position he filled with great ability and satisfaction until January, 1871, when he resigned. He was then made assistant United States attorney for the district of Massachusetts under David H. Mason, and continued to discharge the duties of that office with credit and honor until September, 1873, acting as United States attorney for about three months after Mr. Mason's death, which occurred in June of that year. During the three years of his service in this capacity Mr. Hurd had charge of many important cases, including the Lamar case, the case against Samuel A. Way, and the case against the firm of William F. Weld & Co., in which the sum of $400,000 was recovered.

On resigning the office he formed a copartnership with his associate, Edward P. Nettleton, and under the firm name of Hurd & Nettleton carried on a large and successful law business for about six years, when Mr. Nettleton withdrew to become city solicitor and afterward corporation counsel. Since then Judge Hurd has practiced alone, devoting his time almost exclusively to the hearing of cases as master in chancery.

Judge Hurd has gained an enviable reputation at the bar, and for many years has been one of its ablest and foremost members. As a young man, with very brief experience in the law, he successfully tried an important case before the Supreme Judicial Court which involved the question of the constitutionality of the law authorizing courts sitting without juries to sentence prisoners to State prison. This case, entitled Jones vs. Robbins, is reported in 8 Gray, 329. While in general practice he achieved considerable distinction as an



FRANCIS W. HURD.

advocate of ability and industry, his power before a court and jury being especially noteworthy. He won recognition for his broad and comprehensive knowledge of the law as well as for his personal characteristics and fine legal attainments. On the bench he displayed high judicial qualifications, excellent judgment, unfailing courtesy and dignity, and strict impartiality. Sitting as master in chancery he has gained distinction for learning and for his ready grasp of the facts in the case. In 1876 he was appointed a commissioner, under resolve of the Legislature, to revise the judicial system of the Commonwealth, his colleagues being the late Augustus Lord Soule, of the

Supreme Judicial Court, and Hon. Charles W. Clifford, of New Bedford. This commission made its report at the next session of the General Court, and although its recommendations were not adopted at that time, they have since been incorporated in the statutes, particularly those carrying divorce cases and murder trials to the Superior Court.

Judge Hurd was appointed March 9, 1898, by Governor Wolcott, a commissioner to revise the Public Statutes of Massachusetts in place of Judge Edmund H. Bennett, deceased. He was a member of the Common Council of Charlestown for three years, before that city became a part of Boston, and is now a member of the Union and Somerset Clubs. He received the degree of A. M. from Harvard University in 1860. He was an organizer and one of the first members of the American Bar Association, from which he resigned when he began to travel abroad. After making two or three trips to Europe he made in 1891–92 a trip around the world and returned with renewed vigor and an inexhaustible store of general information. He is a member of the bar of the United States Circuit and Supreme Courts and a foundation member (1876) of the Boston Bar Association. He has never married.

THOMAS WESTON, A. M., Boston, son of Thomas and Thalia (Eddy) Weston, was born in Middleboro, Mass., June 14, 1835. He is descended in the seventh generation from Edmund Weston, who came from England in the ship Elizabeth and Ann in 1634 and settled in Duxbury. The line from Edmund (1) is (2) Edmund, of Plympton, Mass., and (3) Edmund, (4) Edmund, (5) Thomas, and (6) Thomas, all of Middleboro. The last two Thomas Westons, father and grandfather of the subject of this article, were extensively engaged in iron manufacturing and mercantile business in Middleboro, and both occupied prominent positions in that town, the former serving as a member of the Governor's Council, as State senator, and as chairman of the old Court of Commissions. On his mother's side Mr. Weston is descended from John Eddy, one of the early settlers of Middleboro. She was a daughter of Joshua Eddy, a prominent man in the Plymouth Colony and a brother of Zachariah Eddy, one of the leading lawyers of that section. Her grandfather, Joshua Eddy, sr., was a captain in the Revolutionary army and was present at Burgoyne's surrender and in many of the battles of the Revolutionary war.



THOMAS WESTON.

Thomas Weston was educated in the district schools and at Pierce Academy in his native town. He received a good classical training and was fitted for college, but on account of ill health was obliged to abandon the cherished hope of a collegiate course. In 1864 Amherst College, in recognition of his learning, conferred upon him the honorary degree of A. M. He spent some time in teaching, was for two years principal of the Plympton Academy of Plympton, Mass. He studied law in Middleboro with Judge William H. Wood and continued it at the Harvard Law School, where he remained two years. He was admitted to the Suffolk bar in August, 1859, and at once

opened an office in Fall River, Mass., where he soon secured an extensive practice, being counsel for the Old Colony Railroad Company from 1860 to 1865. In 1865 he removed his office to Boston and his residence to Newton, Mass., where he has lived ever since.

Mr. Weston has been engaged from the first in the general civil practice of his profession. At various times he has represented towns, corporations and trust estates in important legal capacities, and altogether he has steadily built up a large and lucrative business. His devotion to the law and his clients has been untiring. Though often urged by friends to accept political or public honors he has steadfastly declined, with one exception, when he represented Newton two terms (1883 and 1884) in the lower house of the Massachusetts Legislature. As a member of that body he introduced several important measures that became laws, took a prominent part in debate and in committee work, and was recognized as an able and influential leader. He has been a Republican since the formation of the party in 1856.

In addition to his labors at the bar Mr. Weston has made a specialty of historical and genealogical studies and of matters relating to the history of the Congregational church and polity. He is the author of a small volume entitled "A Sketch of Peter Oliver, the Last Chief Justice of the Superior Court of Judicature in the Province of Massachusetts Bay," "A Genealogy of the Descendants of Edmund Weston," his ancestor, and of numerous short articles in various papers and magazines. He has also delivered several historical addresses, and is a member of the New England Historic Genealogical Society, a trustee of the Pilgrim Society, a member of the Eliot Congregational church of Newton since 1865, and a member and former president of the Congregational Club of Boston. Mr. Weston is a lover of books and the owner of a good library, and finds relief from his professional work in antiquarian study. He is an able lawyer, well grounded in the principles of practice and jurisprudence, a thorough scholar, a man of broad and comprehensive knowledge, and a talented speaker and conversationalist. Devoting himself strictly to the law, and declining to enter public life even at the solicitation of intimate friends, he has achieved eminent success at the bar and is recognized as one of Boston's ablest counselors and advocates.

Mr. Weston was married October 15, 1868, to Eleanor S., daughter of Otis and Abby Childs, of Springfield, Mass.; they have two children living: Thomas and Grace.

JOHN COLBY COOMBS, Boston, is the youngest son of Josiah Colby Coombs and Abigail (Eaton) Coombs, and was born in Bowdoinham, Me., March 9, 1845. On his mother's



JOHN C. COOMBS.

side he is a direct descendant of Francis and Sarah Eaton and their son Samuel, all of the immortal band of Mayflower passengers, her father being Solomon Eaton, of Bowdoin, Me. His father's ancestors first settled in Newburyport, Mass., whence his great-grandfather moved to New Meadows, Me., and his grandfather, John Coombs, moved to Bowdoin. One, if not both, served in the Revolution.

The father, Josiah C., was a successful shipbuilder, as was also the grandfather Eaton, and both were men of local prominence. On his grandfather Eaton's place, buildings erected in 1776 are still standing, as are also one of the little early churches and early woolen mills of that State.

Mr. Coombs was educated in the common schools and under private tutors, and was graduated from Bowdoin College in 1869, ranking second in his class for scholarship. He entered the Harvard Law School in 1870, receiving therefrom the degree of LL.B. in 1871, and continued his legal studies in Boston in the office of Jewell, Gaston & Field, one of the strongest and best known law firms of the day. Harvey Jewell, the senior member, was an authority on maritime law, and was for four years speaker of the Massachusetts House and for two years judge of the Court of Commissioners of Alabama Claims at Washington. William Gaston became mayor of Boston and governor of Massachusetts, and Walbridge A. Field, the junior partner, was assistant attorney-general of the United States, representative in Congress, and is now chief justice of the Supreme Judicial Court of the Commonwealth. Under the direction of such eminent lawyers as these, Mr. Coombs had opportunity to acquire a thorough knowledge of the law, and immediately after being admitted to the Suffolk bar, June 8, 1872, entered upon the active practice of his profession in Boston. His professional business has been limited almost wholly to commercial and corporation matters.

For many years Mr. Coombs has advocated the abolition of all laws for the enforcement of personal obligation, beyond the surrender of assets, for debt. He has retained his inherited interest in behalf of the merchant marine, and he appears to have been the first to advance and publicly urge governmental insurance of the merchant marine against depredations of a public enemy; all in lieu of privateering and prize laws.

The first of the above causes is very largely achieved in the new bankruptcy bill, while the latter is now before Congress. In the advocacy of these measures his voice and pen have wielded much influence, especially with congressional committees, before whom his arguments have been made. He has also followed the inclination of his people toward manufacturing, and is president of the Riverside Worsted Mills of Providence, R. I.

He is known for his support of strong governmental control over, but not ownership or operation of, railroads, and perhaps the ablest arguments he has made in the Federal Courts and before congressional committees were against the foreclosure or other sale of the government-aided Pacific railroads, free from the obligations and duties imposed upon them in behalf of the public and in consideration of the public aid they received. He is an able lawyer and in the courts of many States and of the United States has been engaged in notable causes. Mr. Coombs has resided in Boston since his admission to the bar, and has never married. He has steadfastly declined public service, preferring to devote all his energy to the law, in which he has been successful and developed a marked individuality.

DANIEL CLARK LINSCOTT, Boston, is the son of Jonathan and Hannah (Clark) Linscott, and was born on the old family homestead in the town of Jefferson, Lincoln county, Me., March 17, 1828. His ancestors on both sides were early settlers of the Pine Tree State, his great-grandfather, Ichabod Linscott, moving from York, Me., about 1720, to Damariscotta Mills, in what is now the town of Newcastle. Mr. Linscott's grandfather, Joshua Linscott, was born in Newcastle, and his father, Jonathan Linscott, in Jefferson. His mother, Hannah, was the daughter of Elisha Clark, jr., and a granddaughter of Elisha Clark, both of Jefferson, and her mother was Abigail West, of Franklin, Me.

Daniel C. Linscott spent his early years on

his father's farm and attending the district schools of the neighborhood. He received his preparatory education at the Lincoln and Yarmouth Academies in his native State and was graduated from Bowdoin College with honors in 1854, having as classmates Dr. John Abbott Douglass of Amesbury, Mass.; Dr. Samuel Freeman of Everett, Mass.; the late Rt. Rev. William Packard Tucker, D. D., archdeacon of Rhode Island; William Drew Washburn, United States senator from Minnesota; Franklin A. Wilson of Bangor, Me., president of the Maine Central Railroad Company; Rev. George Washington Bartlett and Major Charles Peleg Chandler, both of whom were killed in the Civil war, and whose tablets have a place in Memorial Hall of Harvard at Cambridge; the



DANIEL C. LINSCOTT.

late James R. Osgood, the well known publisher; Henry Hyde Smith, and Ambrose Eastman, both of the Boston bar; John G. Stetson, clerk of the Court of Appeals, First district; and William Law Symonds. This class of thirty-five members produced some of the most distinguished men who claim Bowdoin as their alma mater. While in college Mr. Linscott was elected a member of the Psi Upsilon and of the Phi Beta Kappa, of which latter society he was subsequently president. After graduation he spent four years in teaching in the public schools of Chelsea, Mass., and in the mean time also took up privately the study of law, which he continued in Boston in the office of William E. P. Smyth. He was admitted to the Suffolk bar April 3, 1860, and since then has been successfully engaged in the general practice of his profession in Boston. In 1876 he was admitted to the bar of the United States Supreme Court.

During the thirty-nine years that he has been at the bar Mr. Linscott has acted as counsel in a large number of civil and commercial cases, many of which have had more than a local importance. In 1885–86 he was counsel for the plaintiff in the case of Clapp & Ballou vs. The Boston and Albany Railroad Co., which required three large volumes to report the testimony, and which resulted in the recovery of $104,000 from the corporation. He was also connected with the celebrated will case of Ogden vs. Greenleaf, 143 Mass., 349; with the elevator case of Shattuck vs. Rand, 142 Mass., 83; and with the case of Long vs. Richards, 170 Mass., 120, which was before the courts for about nine years. In the case of Holden vs. Metropolitan National Bank, 151 Mass., 112, he was pitted against the late Gen. Benjamin F. Butler, who was counsel for Holden, who brought the suit as receiver for the Reading Savings Bank. This case resulted in a notable victory for Mr. Linscott and his client, the Metropolitan National Bank of Boston. He has gained a high standing at the Suffolk bar, and is recognized as one of Boston's ablest and foremost lawyers. As an advocate he has achieved an eminent reputation. His long and honorable career in the profession has won for him the respect and confidence of the entire community.

Mr. Linscott has never sought public office, but instead has devoted his attention almost exclusively to a large and successful law practice. He was a member of the Chelsea City Council in 1864. He has been a deacon of the

First Baptist church of Boston since 1885, is a member and former president of the Boston Baptist Union, was president of the Bowdoin College Alumni Association of Boston for three years, and has served as one of the overseers of Bowdoin College since 1895. In private as in professional life he is universally esteemed and respected, and as a citizen is public spirited patriotic and progressive.

July 29, 1855, Mr. Linscott married Annie, daughter of William and Betsey Barron, of Topsham, Me., and their children are Roswell, who was graduated from Bowdoin College in 1883; Frank Knox, a graduate of Bowdoin in 1888; Anna May, who was graduated from Wellesley College in 1890; Grace, a graduate of Wellesley in 1898; and Daniel Clark, jr., who was graduated from Bowdoin College in 1897 and is now (1898) a student in the Boston University Law School, class of 1900. Frank Knox Linscott, the second son, was graduated LL.B. from the Law School of Boston University and admitted to the Suffolk bar in 1891, and is now associated with his father in active practice.

GODFREY MORSE, Boston, is the son of Jacob and Charlotte (Mehlinger) Morse, and was born in the town of Wachenheim, Bavaria, Germany, May 19, 1846. His father died in 1851, and in 1854 he came with his mother to Boston, Mass., where he has since resided. He was graduated from the Brimmer Grammar School in 1860, and from the Boston English High School in 1863, and afterward spent one and a half years as clerk in the clothing establishment of his elder brother, Hon. Leopold Morse, formerly member of congress. He was graduated from the Boston Latin School in 1866, and then entered Harvard University, from which he was graduated in 1870, among his classmates being Gov. Roger Wolcott, William F. Wharton, first assistant secretary of state under James G. Blaine, and Henry Parkman, State senator. While in Harvard, Mr. Morse was financial editor of the Harvard Advocate and placed it on a paying basis. He was treasurer of the O. K. Society, and the financial agent of the crew that went to England to row against the Oxford team in 1869, and also took the first Boylston prize in declamation. His college life was a very busy one. He took his degree of LL.B. from Harvard Law School in 1872, and then entered the law office of Brooks & Ball, in Boston,



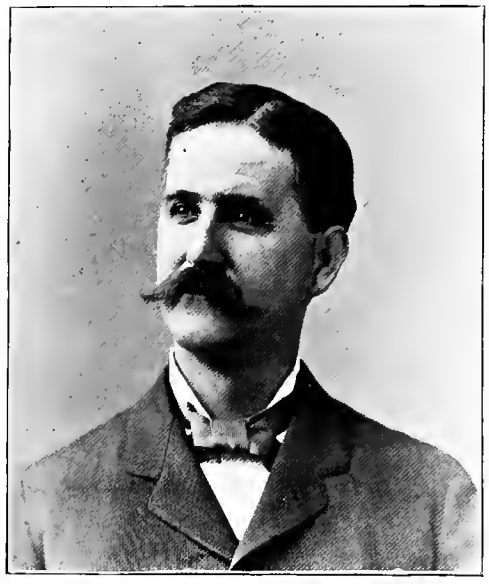
GODFREY MORSE.

where he remained one year, being admitted to the Suffolk bar July 22, 1873. Since then he has been actively engaged in the practice of his profession, having as his partner Lee M. Friedman, a graduate of Harvard, in the class of 1893. He was admitted to the United States Supreme Court at Washington, February 3, 1879.

Mr. Morse is one of the ablest and most prominent men of the Boston bar. He has made the practice of mercantile law somewhat of a specialty, and has successfully built up a large office and court business. As an advocate he has achieved a good reputation. His broad legal knowledge, his power for argument, his good judgment and sound common sense, his

force of character and native ability, and his industry and intellectual attainments are widely recognized and admired. He was assistant counsel for the United States in the Court of Commissioners of the Alabama Claims in 1882, 1883 and 1884. In politics he is a consistent Democrat. He was a member of the School Committee of Boston in 1876, 1877 and 1878, a member of the Boston Common Council in 1882 and 1883 and its president in the latter year, and a trustee of the Boston Public Library during a part of the year 1883. March 11, 1885, he was appointed a member of the Board of Court House Commissioners for the erection of the new court house of Suffolk county, in Boston, and served as such until that handsome structure was completed. He is president and was one of the founders of the Leopold Morse Home for Infirm Hebrews and Orphans of Boston, a trustee of the Boston Dental College, and vice-president and one of the incorporators of the Home for Incurables, of Boston, the only institution to which the late Bishop Phillips Brooks left a legacy. He is first vice-president of the Boston Federation of Jewish Charities; past master of St. John's Lodge, of Boston, the oldest Masonic organization in the United States; and a member of the Boston Athletic Association and of the University and Elysium Clubs of Boston, and of the Criterion Club of New York city. He was a delegate to the National Democratic Convention at Indianapolis in 1896, and is now, 1898, chairman of the Democratic National State Committee of Massachusetts and of the Democratic National City Committee of Boston. He is unmarried.

WILLIAM HENRY PREBLE, Boston, son of Jeremiah and Elizabeth M. (Freeman) Preble, was born August 11, 1856, in Charlestown, now a part of Boston, Mass., where he has always resided. He is a lineal descendant of Abraham Preble, who came from England to Scituate, Mass., about 1636, and who removed soon after his marriage to Judith, daughter of Elder Nathaniel Tilden, to York, Me., where he became prominent in both civil and military affairs. The family lived in York for several generations. Mr. Preble's great-grandfather, Stephen Preble, of York, married Rachel Main, and their son, Stephen, jr., who was born there in 1771, married Lydia Fernald of Kittery, Me. Jeremiah Preble, son of Stephen, jr., and father of William H., was born in York in 1814, and



WILLIAM H. PREBLE.

finally settled in Charlestown, Mass., where he followed his trade as a blacksmith, and where he died October 9, 1896, highly respected and esteemed. His wife, Elizabeth M. Freeman, a native of Mt. Desert, Me., was descended from one of the early families of New England.

William H. Preble was educated in the public schools of Charlestown. After graduating from the high school in 1874 he began the study of law in Boston in the office of George E. Smith and Freedom Hutchinson, with whom he remained nearly six years, being admitted to the Suffolk bar November 21, 1880. He was admitted to the bar of the United States Circuit Court in 1884 and to the Supreme Court

of the United States in 1896. Mr. Preble has practiced his profession in Boston since 1880, making a specialty of civil business. He has tried a large number of damage cases during his career of eighteen years at the bar, and has gained recognized prominence as a lawyer and advocate of ability and industry. His experience in commercial, probate, and insolvency litigation has been broad and comprehensive.

Mr. Preble has always been an ardent Republican, and for several years was active in the councils of his party. He was a member of the Republican Ward and City Committee for eight years, during five of which he was a member of its executive committee, and for a time he served it as vice-president. He was also a member and chairman of Ward Four Committee, president of the Boston Municipal Club, and for two years a member of the executive committee of the Republican State Committee. He represented the Fourth Suffolk district (Charlestown) in the lower house of the Massachusetts Legislature in 1888 and 1889, serving both years as chairman on election and as clerk of the committee on probate and insolvency. He took an active part in legislative business and made an excellent record during his two terms in the House. In 1891 he was put forward as a candidate for State senator, and, although defeated, successfully reduced the almost invulnerable Democratic majority of his district to only about 200 votes. Mr. Preble is a member of Henry Price Lodge, F. & A. M., of Coeur de Lion Commandery, K. T., and of Massachusetts Consistory. He is also past grand of Bunker Hill Lodge of Odd Fellows and past district deputy of the Grand Lodge of Massachusetts, and for seven years was a member of the judiciary committee of the Grand Lodge and is now one of its committee on laws. He is a member of the Ancient and Honorable Artillery Company of Massachusetts, of the Nine Hundred and Ninety-ninth Artillery Association of Charlestown, of the Boston Bar Association, and of several other social and political organizations. For six years he was a member of Co. A, 5th Regt. M. V. M.

Mr. Preble was married December 8, 1880, to Amy Bertha Nash, daughter of William H. Nash, of the Charlestown district, Boston, and they have six children: Florence L., Elsie May, Grace A., Winifred L., Gladys, and William E.

WILLIAM EDWARD LOVELL DILLAWAY, Boston, is the son of William Stoughton Dillaway and Ann Maria Brown, and was born February 17, 1852, in Boston, Mass., where he has always resided. He is descended in a direct line from William Dillaway, of Cambridge, a trooper in Captain Preston's company in King Philip's war, and whose descendants are frequently mentioned in the old town and church records of Boston, from which place very few apparently have ever removed. Mr. Dillaway represents the seventh generation of the name in Boston, where his sixth great-grandfather lies buried in King's Chapel burial ground. His great-grandfather, Thomas Dillaway, was engaged in the Revolutionary war, in which other relatives also participated. His grandfather, Thomas Dillaway, jr., was extensively engaged in the interior construction of ships in Boston, inheriting the business from his father, who was by trade a ship joiner. William Stoughton Dillaway, his father, is still living in Boston at the advanced age of eighty-two. On his mother's side Mr. Dillaway is descended from Henry Lear, brother of Col. Tobias Lear, the confidant and private secretary of General Washington. Her father was a sea captain.

Descending from one of the oldest of Boston families, and from patriotic Revolutionary stock, Mr. Dillaway inherited those qualities of thrift and vigor which characterize the race, and by the exercise of natural ability and excellent judgment has achieved success in both a professional and a business career. He received his preparatory education in the public

schools of his native city, graduating from the Boston English High School in 1866. Afterward he studied under the care of a private tutor. He began his legal studies in Boston in the office of Hon. Ambrose A. Ranney and Nathan Morse, and was graduated from the Harvard Law School with the degree of LL.B. in 1871. He remained in the office of Ranney & Morse, as student and lawyer, for several years, being admitted to the Suffolk bar February 17, 1873. Before his admission Mr. Dillaway had already gained considerable experience and had won success as a jury advocate, arguing while still a student, and when only in his nineteenth year, his first case before the full bench of the Supreme Judicial Court of the Commonwealth. This was the case of Frederick G. W. May v. Samuel Goddard, and attracted much attention on account of the interesting points of law which it involved. He was associated with Ranney & Morse in active practice until 1877, when he formed a partnership with Charles T. Gallagher, which continued for three years under the style of Dillaway & Gallagher. Since then he has practiced alone.

Mr. Dillaway built up a large and successful general law business, which gradually developed into that department relating to corporations. He was counsel for Henry M. Whitney in the originating and forming of the West End Street Railway Company, having entire charge of its legislative matters. He was sole counsel for the Bay State Gas Company in all its controversies for admittance to the right to do business, and had sole charge of the negotiations which resulted in the consolidation of the gas companies of Boston, and was also counsel in matters relating to the Boston Pacific National Bank. Many of these interests were delicate and complicated, yet Mr. Dillaway managed them all with consummate skill and judgment, and brought about results at once satisfactory and beneficial to all concerned. In 1888 he retired from general practice, and since then has devoted his attention and energies to his private business and to the corporations with which he is connected. The direction of these, however, has kept him in the constant practice of his profession. He is attorney for several banks and corporations; a director for many years in all of the Boston Gas Companies; a director of the Mechanics National Bank of Boston, of which his brother, Charles O. L. Dillaway, is president; and president of the Boston Pneumatic Transit Company, which is engaged under contract with the United States government in carrying mail through pneumatic tubes



WILLIAM E. L. DILLAWAY.

between the post-office and the railroad stations of the city. Mr. Dillaway is deeply interested in the development and progress of the new subject of pneumatic tubes for transportation purposes, and was among the first to actively advocate their usefulness and necessity. In matters pertaining to gas and street railway law he is generally regarded as an expert. He is an able lawyer and advocate, a man of great energy and perseverance, and a public spirited and enterprising citizen. He has contributed numerous editorials and other articles to the newspapers and magazines, and as a public speaker is eloquent, graceful and popular. In 1888 he was selected to deliver the annual

Fourth of July oration before the municipal authorities of Boston. In politics he is a Republican, but he has never sought nor accepted public office. He is an enthusiastic collector of rare bric-a-brac, pictures, etchings, and prints, and has of the latter one of the largest and finest collections in the city. He is a man of culture, possessing tastes which he has been able to gratify in the collecting of many valuable books and works of art.

Mr. Dillaway was married June 16, 1874, to Miss Gertrude St. Clair Eaton.

FRANK GOODWIN, A. B., A. M., Boston, is the son of Hon. Ichabod Goodwin and Sarah Parker Rice, and was born in Portsmouth, N. H., November 11, 1841. His father

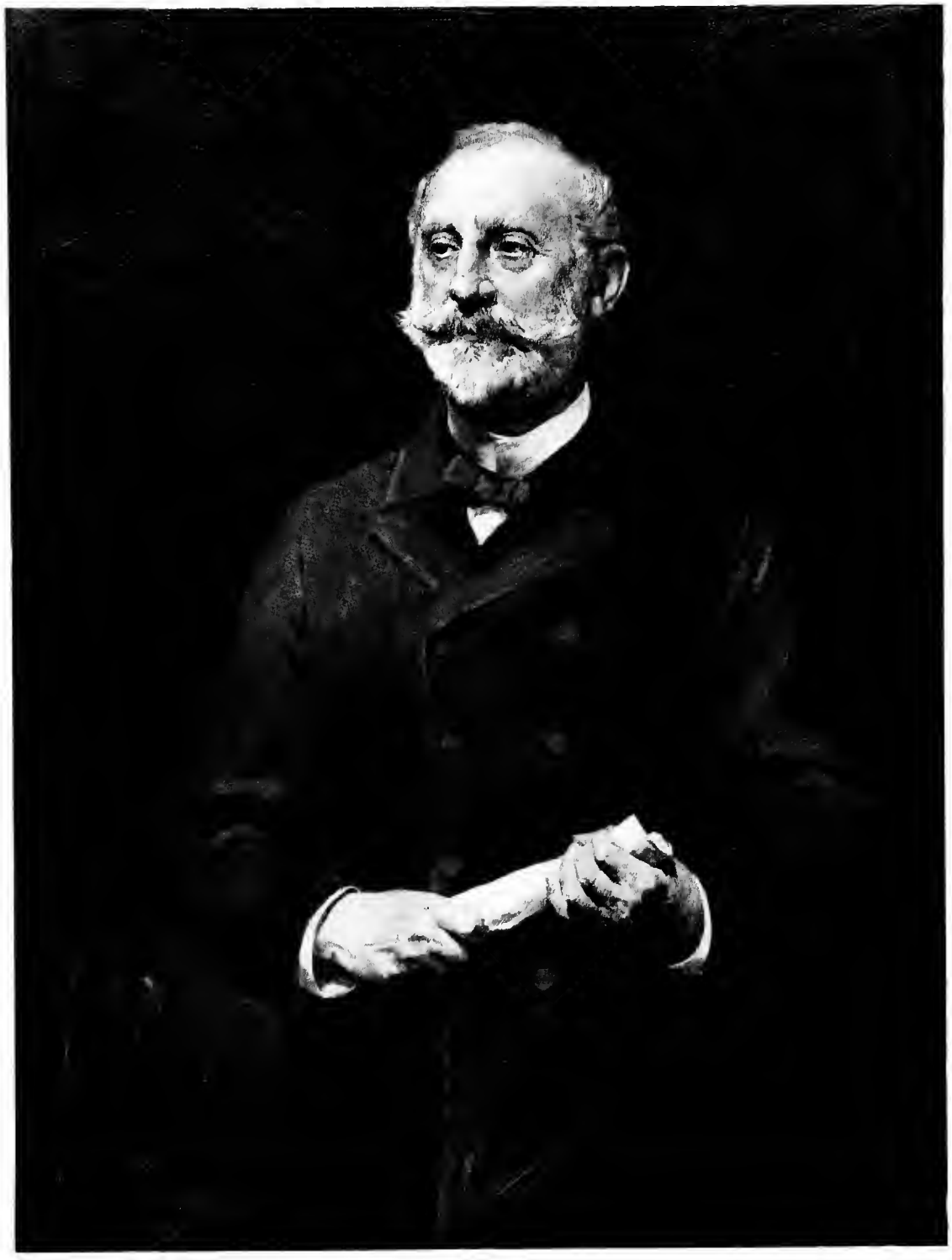


FRANK GOODWIN.

was a merchant and a prominent Republican, and served as governor of the State of New Hampshire during the early part of the war of the Rebellion. He is descended from a distinguished line of colonial ancestry, and among others from successive generations of clergymen, one of whom, a graduate of Oxford University, came to New England about the middle of the seventeenth century. Mr. Goodwin numbers among his grandfathers several king's councilors of the colonial period. Joseph Gerrish, one of his great-grandfathers, other than the clergymen above mentioned, was graduated from Harvard in 1752, ranking first in his class in the catalogue, and was himself a king's councilor of Massachusetts.

Mr. Goodwin fitted for college at a private school in Portsmouth and was graduated from Harvard University in 1863, with the degree of A. B., holding membership in the O. K. Society. Later he received the degree of A. M. in course from that institution. Immediately after graduation he began the study of law in the office of the late Judge George P. Sanger, of Boston, and subsequently spent a year at the Harvard Law School, and continued his legal studies in Boston with William Dehon and John D. Bryant, being admitted to the Suffolk bar upon the written examination by Justice Theron Metcalf of the Supreme Judicial Court June 22, 1865. He began the active practice of his profession alone, but a little later formed a copartnership with Messrs. Dehon & Bryant, which continued under the style of Dehon, Bryant & Goodwin until the summer of 1872, when the firm was dissolved. Since then he has carried on business by himself.

For many years Mr. Goodwin was actively engaged in the admiralty practice in Boston, but he has always been a student of the law in most of its many branches. In the summer of 1886 he was appointed the lecturer on the subject of real property in the law school of Boston University, and later was promoted to a professorship in that school, still continuing to the present time the duties of a lecturer and professor upon that subject. He has contributed several important articles to different legal publications in the United States upon subjects within the field of property law. In politics he has always been, like his distinguished father, an ardent and consistent Republican. He is an original member of the American Bar Association and of the Bar Association of the City of Boston and a member



of the bar of the Circuit and Supreme Courts of the United States and of the United States Court of Claims. He is an able lawyer, especially in the departments of admiralty, and of real property, and as a public speaker, legal lecturer, and writer has achieved an eminent reputation. He resides in Boston. Previously, however, he was a resident of Cambridge, Mass., where he served for a time on the Cambridge School Committee.

Mr. Goodwin was married in September, 1866, to Mary G., daughter of Ephraim and Mary (King) Buttrick, of Cambridge, and they have three children living: Sarah S., Eleanor G., and Robert E.

CHARLES DEVENS, LL.D., Worcester and Boston, son of Charles and Mary (Lithgow) Devens, was born April 4, 1820, in Charlestown, Mass., close to the spot where his ancestor, Richard Devens, won distinction in the historic battle of Bunker Hill. He entered Harvard College when only fourteen years of age and was graduated therefrom in 1838, among his classmates being James Russell Lowell, William W. Story and George B. Loring. He was graduated from the Harvard Law School with the degree of LL.B. in 1840, and continued his legal studies with George T. Davis in Greenfield, Mass., until his admission to the Franklin county bar in 1841, after which he was associated with Mr. Davis in active practice till 1849. In 1848 he represented Franklin county in the Massachusetts Senate, and from 1849 to 1853 he was United States marshal for the district of Massachusetts. As a federal officer serving in the latter capacity he gained considerable distinction for the manner in which he faithfully and fearlessly discharged his duties, even against the promptings of his conscience. On one occasion he executed a process remanding to his alleged owner a fugitive slave named Thomas Sims, who had been caught in Boston as a runaway. Afterward he made unavailing efforts to purchase the freedom of the man whom he had officially aided in returning to slavery, and when the proclamation of emancipation had freed Sims Mr. Devens assisted him, and when he became United States attorney-general he gave him a place in his department.

In 1854 Mr. Devens resumed the practice of law in Worcester, Mass., as a partner of Hon. George F. Hoar, subsequently United States senator. There he became an eminent lawyer, displaying those rare qualities which afterward made him famous, both at the bar and on the bench. In April, 1861, immediately after the breaking out of the Civil war, he took command of a rifle battalion for three months' service, and was stationed at Fort McHenry in Baltimore Harbor. Returning home he raised the Fifteenth Mass. Vol. Regt., was commissioned its colonel, and led it to the front, participating almost immediately in the battle of Ball's Bluff, in which he won honor and distinction, and where he succeeded Col. E. D. Baker as commanding officer. April 15, 1862, he was made a brigadier-general of volunteers and given a command in the Army of the Potomac. He was in the battles of Williamsburg, Fair Oaks, South Mountain, Antietam, and Chancellorsville, where he achieved special distinction as commander of a division of the Eleventh Army Corps. He was also at Cold Harbor and the fall of Richmond. He was attached to the Eighteenth Corps in 1863–64, became commander of the Twenty-fourth Corps in December, 1864, and was brevetted major-general in April, 1865, and remained with the army until June, 1866, when he was mustered out of service. Soon after the close of the war he was appointed military governor of South Carolina, which position he filled with great credit and efficiency.

General Devens had scarcely resumed the practice of his profession when Governor Bullock made him an associate justice of the Massachusetts Superior Court, which office he held from 1867 to 1873, when he was elevated to the bench of the Supreme Judicial Court of the Commonwealth. In 1877 he resigned

this position to accept the portfolio of United States attorney-general in President Hayes's Cabinet at Washington, a post for which his fitness was undisputed. While a member of the Cabinet Judge Devens was offered the position of judge of the United States Circuit Court for the District of Massachusetts, to succeed Judge Shepley, deceased, but President Hayes desired his continued presence in his official family, and, sacrificing his own interests, General Devens remained in the Cabinet. When he left it in 1881 he was again appointed, by Governor Long, as associate justice of the Supreme Judicial Court of Massachusetts, which office he held until his death on the 7th of January, 1891, at Boston.

Judge Devens was a good lawyer, a persuasive and successful advocate, and a man of the highest patriotism and integrity. He was a model attorney-general, industrious, conscientious, learned and able. As a jurist he displayed remarkable qualifications. He had justice, unfailing courtesy, and great dignity, and his opinions were regarded as sound and unquestionable. In a word he was the embodiment of those legal and judicial principles which command universal admiration, and which distinguish one man among a thousand. He was an uncompromising hater of slavery, and was fearless in expressing his honest indignation against that curse. As a soldier he won deserved laurels on the battlefield, suffered severe wounds, especially at Chancellorsville, and was ever afterward the popular idol of his comrades.

In the early history of the Grand Army of the Republic he was commander-in-chief, and in 1882 he became president of the Society of the Army of the Potomac. He was also a foremost member of the Military Order of the Loyal Legion, and a prominent member and president of the Military Historical Society of Massachusetts. As an orator and public speaker he achieved a national reputation, especially on subjects connected with the war. His response for the returning soldiers at the Harvard commemoration in 1865, his eulogy upon Meade at New Haven in 1873, his Bunker Hill address in 1875, his inspired tributes to General Grant in Boston and Worcester in 1885, and his last public address, the oration before the Loyal Legion in Philadelphia, April 15, 1890, on the twenty-fifth anniversary of the founding of that order, form a body of martial and patriotic eloquence altogether unique in American literature. In February, 1886, he opened the celebrated course of war lectures before the Lowell Institute, which made him eminently and pre-eminently the orator of the war of the Rebellion. He also delivered the orations at the dedication of the soldier's and sailor's monument on Boston Common in 1877 and of the monuments to the Fifteenth Mass. Regt. and to Col. George H. Ward at Gettysburg in 1886, and a eulogy on General Sheridan before the Loyal Legion in Boston in 1888. He was mentioned for the governorship, but declined to allow his name to be used in that connection. In 1877 he received the honorary degree of LL.D. from Harvard University.

LEVI LINCOLN, judge of the Supreme Judicial Court of Massachusetts and member of congress six years, was a son of the first Levi Lincoln, who was a distinguished citizen of the Commonwealth, a member of Jefferson's Cabinet, lieutenant-governor and governor of Massachusetts, and was born in Worcester, October 25, 1782, and died May 29, 1868. He was graduated from Harvard in 1802 and studied law in his father's office. After completing his studies he rapidly advanced in the profession, devoting his utmost energies to his business and winning the most flattering success. He had full command of language, large mental resources, was always master of his faculties, qualifications that made him an eloquent and convincing speaker.

Although his professional success was unqualified, he left the honorable calling at the age of forty-two years to accept high honors from the public. He was a member of the

State Senate in 1812 and a strong supporter of the administration in its measures against Great Britain, a course of action in direct opposition to the masses of the people of the State, and showing his independent spirit. In 1814, as a member of the House, he protested vigorously against the resolution which resulted in the participation of the State in the famous Hartford Convention. During several years he worthily represented Worcester in the State Legislature and in 1822 was chosen speaker of the House in which a majority were of the opposite political party.

Mr. Lincoln's promotion was rapid. He left the Legislature for the lieutenant-governorship, and while in that office was appointed an associate justice of the Supreme Judicial Court. Although only one year on the bench, he discharged his duties with characteristic ability, and under the promptings of his high sense of honor and fairness. In 1825 he was nominated for governor of the State by both political parties, a tribute not often bestowed. By successive re-elections he held the office nine years, most of the elections being substantially uncontested. It has been written of him that "no more faithful or efficient officer has filled the chair." It was a period of great advancement in internal improvements, in which he always felt a keen interest. In all proper ways he imparted to canal and railroad projects, improvements in agriculture, reforms in prisons, and manufactures a decided stimulus.

When he determined to decline a tenth term as governor he was persuaded to take the seat in Congress left vacant by the election of John Davis to the governorship. There he served through four Congresses with the same self-sacrificing devotion to the public good that had marked his career as governor. He now retired to his home life and his period of rest from public activity was thereafter substantially continuous. When, in 1848, Worcester organized a city government, it was natural as well as due to him that he should be called to accept the first mayoralty. This office he held only one year. From that time until his death he gave much attention to agriculture on his fine farm, and to the breeding of blooded cattle. He was thirty years president of the Worcester Agricultural Society, and shared in the work of the American Antiquarian Society.



LEVI LINCOLN.

One who knew Mr. Lincoln well stated that "his great characteristic was faithfulness—a thoroughness in whatever matter, great or small, that he undertook. He had an ambition to possess the respect and good-will of the public, and no consideration of present advantage or personal friendship were sufficient to deter him from the course which seemed to him the proper one."

REUBEN ATWATER CHAPMAN, M. A., LL.D., Springfield, associate justice of the Massachusetts Supreme Judicial Court from 1860 to 1868 and chief justice until his death in 1873, was the only son of a farmer,

and was born in Russell, Hampden (now Hampshire) county, Mass., September 20, 1801. He worked on the farm summers and attended district school winters until he reached the age of seventeen, when he began teaching in the adjoining town of Montgomery. When nineteen he became a clerk in a store in Blanford, and as a member of a local debating club he developed considerable readiness and capacity for argument. This led him to study law there in the office of Brig.-Gen. Alanson Knox,



REUBEN A. CHAPMAN.

with whom he remained five years. During this period he frequently attended the Justices' Courts in the neighborhood, and at the time of his admission to the bar had gained the reputation of being an acute practitioner. He first opened an office in Westfield, Mass., but soon moved to Monson, and while there married Elizabeth Knox, eldest daughter of his legal instructor, who with two daughters survived him.

From Monson Mr. Chapman removed to Ware, and thence about 1830 to Springfield, where he formed a copartnership with George Ashmun. The firm of Chapman & Ashmun soon came into the front rank of the bar of western Massachusetts and continued for nearly twenty years, achieving eminence and success from the assiduity, ability, and energy with which they conducted the causes of their clients. After its dissolution Mr. Chapman practiced alone until 1854, when he took in Franklin Chamberlin as partner. On September 28, 1860, he was appointed associate justice of the Supreme Judicial Court and on February 7, 1868, he succeeded George Tyler Bigelow as chief justice. He remained on the bench of that court until his death, which occurred at Fluellen, Switzerland, June 28, 1873.

While at the bar Judge Chapman served upon a commission to revise the proceedings, practice, and rules of evidence of the courts of Massachusetts, and joined in the report upon which was enacted Chapter 233 of the Acts of 1851, generally designated the "Practice Act." In 1860 he was one of the presidential electors for the Commonwealth and cast his vote for Abraham Lincoln. He devoted himself with assiduity, energy, and steady purpose to the one object of perfection in the principles and practice of his profession. He acquired to a remarkable degree readiness in the application of legal principles to complicated facts and the changing phases of a difficult trial. Clear, direct, earnest and logical, he made his client's cause his own, and gained a leading place as well as a high reputation at the bar of western Massachusetts. He was especially familiar with the principles of general equity jurisprudence, then of recent introduction in the Commonwealth. He knew Latin, Greek, and French, and was interested in philosophical reading and inquiry.

Appointed a justice of the Supreme Judicial Court soon after it had been vested by the Legislature with full chancery powers, Judge Chapman enlarged the unusual knowledge of that branch of its jurisdiction, which he had already gained in his extensive practice, by new studies in his leisure hours. His common sense, and his familiar acquaintance with the business and ways of life of the people, were apparent in his judgments; and the published

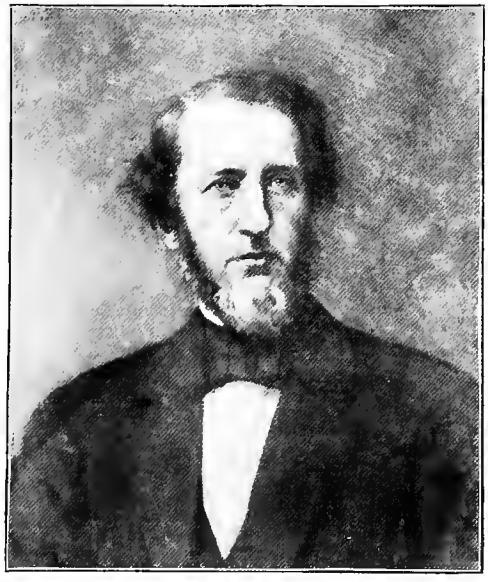
reports show that he was at once assigned a large share in the preparation of the opinions of the full court. His promotion to the office of chief justice was wholly unsought and unexpected by him. He assumed its administration with that quiet modesty which was one of his characteristic traits and he performed its duties to the satisfaction of all and so as to fulfill the anticipation of his warmest friends. And no judge ever more truly kept his oath of office. At the time of his death it was said of him:

"Chief Justice Chapman was one of those men who are constantly illustrating the beneficence of our institutions in giving to every son and daughter of the State the opportunity to acquire an honorable education. Without the aid of wealth, family, or social position, by adhering to sound doctrine in religion and morals, and by persistent industry, he obtained the education necessary for his admission to the profession he had chosen. Without the advantages of a collegiate education, by patient and unremitting labor, by fidelity to the courts and to his clients, by a diligent performance of his duties to the community in which he lived, and of his obligations to the State, and by the integrity of his daily life, he gained that position at the bar which justified his elevation to the bench, and enabled him subsequently to perform the duties of chief justice to the satisfaction of the people of the Commonwealth."

And "the success with which the farmer's boy, instructed in the winter schools of his native town among the hills, up to the position of chief justice of the highest court in Massachusetts, was the legitimate fruit of the constancy, diligency, and fortitude with which he strove to do, to the best of his ability, every duty which presented itself."

His judicial career of nearly thirteen years was marked by conscientious fidelity, unfailing dignity, honesty of purpose, and diligence in the performance of his duties. His impartiality and considerate forbearance and courtesy were especially noteworthy. His experience as a *nisi prius* lawyer gave him great facility as a *nisi prius* judge, and his integrity and Christian character made him universally respected and esteemed. His opinions extend through more than thirty volumes of the Massachusetts Reports, beginning with 16 Gray. He received the degree of Master of Arts from Williams College in 1836 and from Amherst in 1841, and the honorary degree of LL.D. from Amherst in 1861 and from Harvard College in 1864.

JOHN WELLS, LL.D., Springfield and Brookline, associate justice of the Supreme Judicial Court from 1866 to 1875, was the son of Hon. Noah Wells, a respected farmer and a man of considerable note in Franklin county, serving several terms as representative to the



JOHN WELLS.

General Court and in 1842 as State senator from the county of Franklin.

Judge Wells was born in Rowe, Mass., February 17, 1819, and spent his early life on the farm. He attended the common schools and in 1834 entered Williams College, from which he was graduated with honors in 1838, deliv-

ering the valedictorian address. Under Dr. Hopkins, then president of that institution, he acquired a taste for moral and metaphysical science that not only followed him ever afterward, but characterized his forensic arguments and shows very plainly in his judicial opinions. After leaving college he taught school for one year in Newport, R. I., and then turned his attention to the study of law, first in the office of Daniel Wells and George T. Davis in Greenfield, Mass., and subsequently at the Harvard Law School. He was admitted to the bar in Franklin county, Mass., in 1841, and at once established himself in practice at Chicopee, where he lived until he was appointed to the bench. There he was for several years a partner of George M. Stearns, one of the foremost lawyers in western Massachusetts.

The progress of Judge Wells at the bar was slow, but steady and sure. He built up a successful business, and at the same time took an active interest in public affairs, representing Chicopee in the lower house of the Massachusetts Legislature in 1849, 1851, 1857, and 1865, with distinction and satisfaction. Upon the union of the judgeships of the Courts of Probate and Insolvency in 1858 he was appointed the first judge of the new court for Franklin county, and he served in that capacity until his large and increasing practice compelled him to resign in 1864. In the mean time, in 1869, he moved his law office to Springfield, where he formed a copartnership with the late Augustus Lord Soule. Judge Wells became a leader of the Hampden county bar and one of the ablest lawyers in western Massachusetts. In all local procedure, in common law, in the law of real property, and in criminal law to some extent, he gained a large experience, but equity, probate, and insolvency were probably his favorite studies. In 1864 he was presidential elector, and on September 22, 1866, he became, by appointment of Governor Bullock, an associate justice of the Massachusetts Supreme Judicial Court, filling the vacancy caused by the death of Judge Charles Augustus Dewey. He filled this office until his death, which occurred at the house of George Wheatland in Salem, Mass., November 23, 1875.

Judge Wells possessed an evenly-balanced mental and moral organization, and under the guidance of Story and Greenleaf laid the foundations of the superstructure which he subsequently raised. He was always the same—thoughtful, conscientious, patient, diligent. He was a safe adviser, a kind neighbor, an active Christian citizen. In the General Court he exerted a commanding influence as a sound, safe, and discreet legislator. As judge of the Probate and Insolvency Court he demonstrated his mental, professional, and moral fitness for the duties and responsibilities of a justice of the Supreme Judicial Court, to which he was appointed upon the unanimous recommendation of the bar of western Massachusetts. He followed precedents, but only as his mind discovered and approved the principles on which they were founded, and his opinions, the result of patient study, prolonged thought and severe logic, had placed him at the close of his life among the foremost of the men who have adorned the bench and guided its jurisprudence. The corner-stone upon which his reputation rested was his pure Christian character. He was faithful to every duty, modest, fearless, straightforward. He was in the truest sense a republican, and ever ready to serve his fellow citizens in the parish and Sunday school, in associations for purposes of charity or education, in town or county offices, in the Legislature, or in conventions of the people for political or religious objects. He possessed a remarkably subtle and discriminating power of analysis, precision of statement, and a strong, clear, and accurate style of expression. His extreme conscientiousness, his patience of labor, and his careful attention to details were equally conspicuous in his professional and judicial career. His opinions begin in 13 Allen and extend through twenty-six volumes of the Massachusetts Reports.

Judge Wells was a man of rare purity and disinterestedness of character and dignity, a strong and consistent Unitarian, and a founder

of the Unitarian church in Chicopee and for years had charge of its Sunday school and of the music. At the time of his death he was president of the American Unitarian Association. Soon after his appointment as associate justice he removed to Brookline, Mass., where he continued to exercise an active interest in town affairs. In 1869 he delivered the address before the alumni of Williams College and in 1870 that institution conferred upon him the honorary degree of LL.D. He was president of the Williams College Alumni Association during the last two years of his life. In politics he was first a Whig and later a Republican.

Judge Wells was married May 15, 1850, to Sophia, daughter of the late Hon. Edmund Dwight, of Boston, Mass., who with one son and a daughter survived him.

GEORGE FRISBIE HOAR, senator, belongs to one of the most distinguished families of New England. His earliest ancestor in Massachusetts was John Hoar, who was one of three brothers who came from Gloucester, England, among the early colonists, and a man of high character and ability. His brother, Leonard Hoar, was one of the early presidents of Harvard College. Samuel Hoar, grandfather of the senator, was one of the eminent early Massachusetts lawyers, member of congress, and a man of distinguished qualifications as a statesman. The mother of the senator was a daughter of Roger Sherman, of Connecticut.

George F. Hoar was born in Concord, Mass., August 29, 1826. Surrounded by all the influences that are potent in moulding character for the higher duties of life, and with ample educational opportunities, he entered Harvard College after his preliminary school years, and was graduated in 1846. He pursued the study of law in Harvard Law School and in the office of the late Judge Thomas and was admitted to the bar in 1849. Beginning practice in the city of Worcester, he thereafter made his home in that place. He rose rapidly in his profession, his associates in practice at different periods being Emory Washburn, Charles Devens and Henry J. Hill. At the time he entered Congress in 1869, after twenty years of professional life, it is believed that he had the largest law business in the State west of Middlesex county. He married, in 1853, Mary Louisa Spurr, who died a few years later, leaving a son and a daughter. He married second, in 1862, Ruth Ann Miller.



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GEORGE F. HOAR.

Mr. Hoar early became affiliated with the Free Soil party, and in 1851, when he was twenty-five years of age, he was elected a representative in the General Court and was the youngest member of that body. He was conspicuous in his opposition to the compromise measures of the national government in 1850, and the way was open for him to succeed Charles Allen in Congress. He put aside all inducements to enter that body, believing it would call him wholly from his profession, but he accepted further honor in the State service and in 1857 was elected to the State Senate, where he was given the chairmanship of the judiciary committee. In that capacity he wrote

a masterly report defining the boundaries of the executive and legislative authority.

Mr. Hoar was frequently called upon to lend the power and influence of his voice to the promotion of undertakings for the public good and always gave willingly of his time and energy. He aided in establishing the Worcester Free Library, was one of the early directors and president of the institution; also in founding what became the Worcester Polytechnic Institute he was active and efficient. His argument before a legislative committee in 1869 in favor of technical education was the first adequate presentation of the claims for this branch of study. He was also an early advocate of woman suffrage and made an address on the subject before a legislative committee in 1869.

In 1868 Mr. Hoar was elected a representative in Congress, succeeding the late John D. Baldwin. He was placed on the committee on education and labor and prepared and advocated a bill for national education, which added to his rising fame. The bill did not pass in the Forty-first Congress, but Mr. Hoar reported it with some changes in the Forty-second and again in the Forty-third Congress, when it passed the House, only to fail in the Senate. In his first term he made an eloquent and convincing speech which saved the Bureau of Education when it was threatened with abolition. As a member of the committee on elections in the Forty-second Congress he drew the report in the case of Cessna against Myers. Many important questions were discussed in this report, and it has ever since been a recognized authority. In the same Congress he made an eloquent appeal for the rebuilding of William and Mary College in Virginia at national expense, after its destruction during the Civil war.

In the Forty-third Congress, besides securing a favorable vote in the House for his education bill, he reported and carried through the House a bill establishing a Bureau of Labor Statistics, and was chairman of a special committee to investigate the political disorders in Louisiana. In this Congress he also delivered his eloquent eulogy of Senator Sumner.

In the Forty-fourth Congress the Democrats had a majority in the House, as a result of the elections of 1874. During that term Mr. Hoar made a number of notable speeches, and through his efforts the Eads Jetty bill became a law, causing Mr. Eads to testify that it was due to Mr. Hoar that New Orleans was opened to ocean commerce. He was one of the managers of the impeachment of Secretary Belknap and made a powerful argument on the question of jurisdiction which gave the initial impulse to a wave of lasting official and political reform. His most distinguished service in this Congress, however, was that with which it closed—his work as a member of the Electoral Commission. He was one of the special committee which prepared the bill establishing the commission, advocated the bill in the House, and was chosen by that body as a member of the commission.

Mr. Hoar in 1872 and 1874 had expressed his desire to retire from public life, but was persuaded by his constituents to continue as their representative. In 1876 his similar desire crystallized into a resolution, and the people were compelled to elect his successor. In the winter following, however, the Legislature chose him to succeed Mr. Boutwell in the United States Senate, where he took his seat in March, 1877. In that body he was a member and for some years chairman of the committee on privileges and elections, a member of the committee on claims and the judiciary committee, and others of less importance. He was the author or principal advocate of many important measures, among them the Lowell Bankruptcy bill, the bill for counting the electoral votes for president and vice-president, the President Succession bill, the repeal of the Tenure of Office act, and others, most of which became laws.

Mr. Hoar was re-elected to the Senate in 1883 and again in 1889, the last time by a unanimous vote of the Legislature without a vote of dissent—a distinction not conferred

upon any other Massachusetts citizen in many previous years.

Mr. Hoar was four times chosen to preside over Republican State conventions and in 1880 was president of the National Convention at Chicago, which nominated President Garfield. In many other walks of life Mr. Hoar made his presence felt in useful ways. He is a clear and logical writer, and has contributed valuable papers to magazines and delivered many addresses covering a wide range of subjects. He was at one period a member of the Board of Overseers of Harvard College; an active member and some years president of the American Antiquarian Society; a trustee of the Worcester Polytechnic Institute; a regent of the Smithsonian Institution; and received the degree of Doctor of Laws from William and Mary College, Amherst, Yale and Harvard.

JUSTIN DEWEY, LL.D., Springfield, one of the justices of the Superior Court of Massachusetts, is the great-great-grandson of Thomas Dewey, one of the first settlers of Great Barrington, Mass., in 1727. Israel Dewey, son of Thomas, was in early life a resident of Westfield, Mass., whence he removed to Great Barrington in February, 1757. He was a man of strong mind, fond of argument, and died November 23, 1773, at the age of sixty-one. Of his thirteen children, Justin Dewey, sr., and Hugo were the ancestors of a large number of settlers in Berkshire county and vicinity, and were noted for their jovial natures, wit, and public spirit. Justin, sr., was born January 5, 1751, married Lucy Mears, and died August 31, 1832. Their son, Justin Dewey, jr., married Melinda Kelsey, and was a farmer in Great Barrington, where he died at the age of seventy-eight.

Justin Dewey, the subject of this sketch and a son of Justin Dewey, jr., and Melinda Kelsey, was born in Alford, Berkshire county, Mass., June 12, 1836, and received his preliminary training in the public schools. In 1849 he moved on to his grandfather's farm in Great Barrington, where he attended the old academy and commenced the study of Greek. In 1854 he attended Williams College and was graduated with high honors from that institution in the class of 1858. During his collegiate course he gave special attention to the study of metaphysics and philosophy, which have always been attractive subjects for his unusually analytical mind, and which, perhaps, were largely instrumental in causing



JUSTIN DEWEY.

him to decide upon the law as a profession. In September, 1858, he began his legal studies in the office of Increase Sumner & Son, of Great Barrington, where he remained until his admission to the bar in November, 1860, and where he commenced active practice. The varied experience which he obtained under his eminent preceptor, Increase Sumner, gave him a high standing as an able lawyer almost from the start, and he soon rose to a foremost place at the bar. In 1862 he was elected to the Legislature on the Republican ticket, and during the session of 1863 he served as a member of the probate and judiciary and other important committees. Afterward he formed a copartnership with Increase Sumner, which

continued for six years. In 1869 he resumed practice alone. He was again a member of the Legislature in 1877, serving on the railroad and other committees, and in the fall of 1878 was elected to the State Senate, where he won distinction as a member of the committee on probate and chancery and of the joint special committee on retrenchment. He declined a renomination and again devoted himself to the practice of the law, having as a partner for about five years his former law student, Frank H. Wright. On October 20, 1886, Governor Robinson appointed him a justice of the Superior Court of Massachusetts, and in February, 1887, he removed to Springfield.

Judge Dewey's career has been an unusually active one. In the general practice of his profession he achieved a more than local eminence, and for many years his business was of a wide and varied character. The case that brought him into special prominence was that entitled Commonwealth of Massachusetts vs. Housatonic Railroad Co., 143 Mass. Rep., 264, which came before the Supreme Judicial Court in September, 1886. This grew out of a law passed the previous year regulating freight rates, and resulted in favor of Judge Dewey and his client, the railroad company, which admitted ten cases of violation. The statute was declared unconstitutional. Judge Dewey's opponent was Hon. George F. Hoar. The case attracted wide attention in railroad circles, and probably more than anything else won for Judge Dewey his appointment to the bench.

While a resident of Great Barrington Judge Dewey was one of the most prominent citizens, taking an active interest in every important movement and contributing liberally to all worthy enterprises. He was for twenty-four years a leading member of the School Board, and during a considerable portion of that period he served as its chairman. His efforts to promote education were untiring. For some time he was identified with the old Library Association; and realizing the possibilities of a reorganized institution, having a broader working basis, he planned and instituted, in April, 1881, the present Great Barrington Free Library, which he served as a director until 1887. He was virtually the founder of this institution, its chief promoter from the start, and one of its incorporators. He was one of the founders of the Great Barrington Savings Bank, and served continuously as a trustee and member of the board of investment until his removal to Springfield. He was also a director of the National Mahaiwe Bank for several years. As treasurer of the Congregational church and chairman of its parish committee he was useful and influential in the cause of religion. In Springfield he is a prominent member of the South Congregrational church. He has always been a Republican, and during much of his early life was active in local political affairs. He is a trustee of Williams College, which conferred upon him the degree of LL.D. in 1893.

As a jurist he has exhibited the highest judicial qualifications, and is widely esteemed for his ability, integrity, and manly dignity. He has presided over a large number of important trials, the most celebrated of which was the famous Borden murder case of Fall River, in which he delivered an able and eloquent charge to the jury.

Judge Dewey was married in Great Barrington, Mass., February 8, 1865, to Jane, daughter of George and Clara (Wadhams) Stanley, and they have three children: Mary, Sarah S. and Margaret.

MARCUS PERRIN KNOWLTON, Springfield, one of the justices of the Supreme Judicial Court of Massachusetts, was born in Wilbraham on February 3, 1839. He is a direct descendant of Capt. William Knowlton, who sailed from London for Nova Scotia in 1632–4 and died on the voyage. His widow and three sons, John, William and Thomas, proceeded to America and by 1642 had become residents of Ipswich, Mass. William

Knowlton, jr., had a son William, born in 1642, who removed to New York in 1678 and to Norwich in 1682, and whose son Thomas married for his first wife Marjery Goodhue, a granddaughter of Deacon William Goodhue, one of Ipswich's earliest and most prominent citizens. Their eldest son, Robert, born in 1693, moved to Sutton, Mass., and thence to Ashford, Conn., where he served in the Colonial Assembly from 1739 to 1755, and where his youngest son Abraham spent his entire life. Amasa Knowlton, son of Abraham, married Margaret Top-



MARCUS P. KNOWLTON.

lift and became a respected resident of Monson, Mass. Their youngest son, Merrick Knowlton, was born August 29, 1802, married Fatima Perrin, and died January 25, 1864, leaving two sons and two daughters, Marcus P. being the third child.

When five years old young Knowlton removed with his parents to Monson, Mass., where he spent his boyhood and early youth on the farm, studying at the public schools and the Monson Academy. Endowed from infancy with a delicate constitution he acquired that appearance of robust health which has marked the more recent years of his life only by the greatest care and most methodical habits. As a boy he developed a natural taste for knowledge that has been the distinguishing trait of his long and active career. He taught district school two winters, and then, in 1856, entered Yale College, from which he was graduated with high honors in 1860. During the next year he filled the position of principal of the Union School at Norwalk, Conn., with great success. But his inclinations and tastes were for the law as a profession, and in 1861 he began his legal studies in the office of James G. Allen, of Palmer, Mass. He subsequently studied under John Wells and Augustus Lord Soule, in Springfield, then law partners and afterward justices of the Supreme Judicial Court of Massachusetts, and was admitted to the Massachusetts bar in 1862. He immediately opened an office in Springfield, where he has since resided. In 1870 he was admitted to practice in the Supreme Court of the United States.

Conscientious devotion to duty, thorough knowledge of the law, and natural ability of a high order soon won for Mr. Knowlton a large and successful practice, and within a few years he became a recognized leader of the Hampden bar. In July, 1865, he formed a copartnership with that eminent counselor, George M. Stearns, which continued until July, 1878, the firm name being Stearns & Knowlton and afterward Stearns, Knowlton & Long. The firm of Stearns & Knowlton is said to have been the strongest that ever practiced in Hampden county and vicinity. They enjoyed an extensive business, being interested for many years in fully two-thirds of all the cases tried in the local courts. Their minds worked in perfect harmony upon all points of the law, notwithstanding the fact that their individual natures differed in outward characteristics. Both were unexcelled as trial lawyers. Their arguments before juries were logical, convincing, and eloquent, while their briefs and other legal documents bore evidence of great literary merit. Mr. Knowlton also took an active part in public affairs, serving as president of the Common Council of Springfield in 1872 and 1873 and

representing that city in the State Legislature in 1878. As a member of the latter body he served on the committees on judiciary, liquor law, state detection force, and constitutional amendments, and gained for himself an enviable reputation for leadership. He became a director of the Springfield and New London Railroad Company and a trustee and treasurer of the Springfield City Hospital. He declined a renomination to the Legislature, but in 1880 was sent to the State Senate, where his integrity, independence, and ability won the highest esteem and secured for him a second term. In politics he has always been a Republican.

In August, 1881, he was appointed justice of the Superior Court of Massachusetts, and in September, 1887, was elevated to the bench of the Supreme Judicial Court, which he has since graced with great dignity and unusual scholarly attainments. Judge Knowlton is generally regarded as one of the strongest and ablest members of the Massachusetts judiciary. His opinions are clear, concise, logical, and helpful; they possess literary merit of a high order, and have always commanded respect. As a jurist his name has been associated with many great trials in which the public have had an absorbing interest, and in which his ability has won for him judicial eminence. Two of these trials may be mentioned, namely, the celebrated Andover case, involving the removal of several professors, in which he wrote the opinion of the full court, and the Lexington library case, entitled Cary Library vs. Bliss, which involved a very important point of constitutional law. These cases attracted wide attention.

On the 18th of July, 1867, Judge Knowlton married Sophia, daughter of William and Saba A. (Cushman) Ritchie, who died February 18, 1886. On May 21, 1891, he married Miss Rose Mary, daughter of Cyrus K. and Susan (Holt) Ladd, of Portland, Me., and they have two children: Marcus Ladd and Elizabeth.

WILLIAM WHITNEY RICE, son of Rev. Benjamin and Lucy (Whitney) Rice, was born in Deerfield, Mass., March 7, 1826, and died in the city of Worcester, March 1, 1896. On his father's side he descended in the seventh generation from Edmund Rice, the progenitor of the family in America, who came from England and settled in Sudbury, in 1639. Lucy Whitney was a daughter of Phineas Whitney, of Winchendon, Mass., the sixth in line of descent from John Whitney, who was a resident in Watertown in 1635.



WILLIAM W. RICE.

Mr. Rice's boyhood was passed near Gloucester and Bexton in Maine, with exception of the period of his attendance at the academy in Gorham, and after three years of study in that institution he entered Bowdoin College and was graduated in the class of 1846. He then taught school in Maine a short time, followed by four years as teacher in the Leicester Academy in Massachusetts. In 1851 he began the study of law in the office of Emory Washburn and George F. Hoar, in Worcester, and was admitted to the bar in 1854. Beginning practice in Worcester, he soon secured a large clientage. His first public service was as member of the School Committee several years.

In 1855 he was appointed special justice of the Police Court and three years later was made judge of insolvency for the county, which position he held until the office was merged in that of judge of probate. In December, 1859, he was elected mayor of Worcester, the first Republican and up to that time the youngest man who had held the office. His administration was eminently satisfactory to the community.

From 1868 to 1873 Mr. Rice discharged the duties of district attorney for the Middle district with ability and faithfulness. In 1875 he served one term in the General Court, where he effectually opposed the threatened division of Worcester county.

In 1876, upon the retirement of George F. Hoar from congressional service, Mr. Rice was elected as his successor. He continued in that office by re-elections until March 4, 1887. He served efficiently as a member of the committee on foreign affairs and on Indian affairs, his numerous reports evincing great industry and careful study of the various subjects. His principal speeches were on "The Death of General Burnside;" "The Appropriation for Cherokee Indians;" "Chinese Immigration;" "The Congressional Library;" and "The Brig 'General Armstrong.'" After his retirement from Congress Mr. Rice accepted no public office and devoted himself to his profession until failing health compelled him to relinquish business activity. He went to Europe in 1892, and derived great pleasure from a visit to the old home of the Whitney ancestors, where he verified the records of the Whitney family. He prepared the "Whitney Narrative," which was published by the family after his death.

Mr. Rice was an overseer of Bowdoin College, a trustee of Leicester Academy, of the Worcester Polytechnic Institute and of Clark University, and a member of the American Antiquarian Society. He was a director and the solicitor for the City National Bank many years. He received the degree of LL.D. from his alma mater in 1886.

Mr. Rice was married in 1855 to Cornelia A. Moen, who died in 1862, leaving two sons, of whom Charles Moen Rice, of the Worcester bar, is the younger. In 1875 Mr. Rice married Alice Miller, daughter of the late Henry W. Miller.

FREDERIC THOMAS GREENHALGE, Lowell, formerly governor of Massachusetts, was the only son of William and Jane (Slater) Greenhalge, and was born in Clitheroe,



FREDERIC T. GREENHALGE.

a parliamentary borough in the county of Lancashire, England, July 19, 1842. In 1855 William Greenhalge, who had been for several years an engraver in the Primrose Print Works in Clitheroe, brought his family to America and settled in Lowell, Mass., where he had charge of the copper roller engraving in the Merrimac Print Mills.

Frederic T. Greenhalge was graduated from the Lowell High School, where he ranked as the first scholar in his class and received the first Carney medal ever given. He entered Harvard College in the class of 1863, but the death of his father compelled him to leave, during his junior year, and earn his own way in life. He engaged in teaching and also took

up the study of law, and later entered the law office of Brown & Alger. In October, 1863, he joined the Union army and was connected with the commissary department at Newbern, N. C. While engaged in this service he was stricken with malarial fever, and after several weeks was sent home. Upon recovering he resumed his legal studies and was admitted to the Suffolk bar in 1865. From that time till 1870 he was associated in practice with Charles F. Howe. Afterward he practiced alone.

Mr. Greenhalge was a very able lawyer. He achieved eminence at the bar, and was widely esteemed for his honesty, integrity, and geniality. His political life began soon after his admission. He was a member of Lowell Common Council in 1868 and 1869, a member of the Lowell School Board from 1871 to 1873, special justice of the Police Court of Lowell from 1874 to 1884, and mayor of the city in 1880 and 1881. He was a representative to the lower house of the Legislature from Lowell in 1885, city solicitor of Lowell in 1888, and a member of the Fifty-first Congress from the Eighth Massachusetts district in 1889–90. At Washington he ranked with the leaders in the New England delegation, and being a ready debater was often heard on the floor of the House. In 1890 he was renominated for Congress, but was defeated after an exciting campaign. He was a delegate to the Republican National Convention in 1884, and chairman of the Republican State Convention in 1890. In 1893 he was elected governor of Massachusetts as the successor of Gov. William E. Russell, and was re-elected in 1894 and again in 1895, and died while holding this office, March 5, 1896.

Governor Greenhalge was a brilliant orator, and for many years one of the popular citizens of the Commonwealth. As a public speaker and lecturer he acquired a wide reputation. He was a ready debater, and possessed keen wit, great depth of knowledge, and ability of high order. As a public officer he discharged his duties with unwavering fidelity and universal satisfaction, and won the esteem and confidence of both friends and opponents. He was a prominent member of several of Lowell's leading institutions, and was president of the Lowell Humane Society, a trustee and latterly president of the City Institutions for Savings, and president of the Unitarian, History, and People's Clubs.

He was married in Lowell, October 1, 1872, to Miss Isabel Nesmith, daughter of Hon. John Nesmith, lieutenant-governor of Massachusetts in 1862. They had four children: Nesmith, Frederick B., Harriet N., and Richard S.

JOHN HENRY CLIFFORD.—In high legal attainments and distinguished statesmanship, John Henry Clifford was the peer of his contemporaries. Governor Clifford (for by that title he was best known) was not a native of Massachusetts, but was born in Providence, R. I., January 16, 1809, and resided there with his parents until his school and college education was finished. He took a four years' course in Brown University and graduated in 1827 with the degree of A. B. He then left his home to enter upon law study in the office of Timothy G. Coffin in New Bedford, Mass., and subsequently studied with the late Theron Metcalf, of Dedham. In 1830 he was admitted to the bar and in the same year took his degree of A. M. and delivered an oration on the "Perils of Professional Life." He then began law practice in New Bedford. On the 16th of January (his twenty-third birthday), he married Sarah Parker Allen, daughter of William Howland Allen, and granddaughter of John Amery Parker, of New Bedford. Though frequently for extended periods largely engrossed in the duties of public life, Governor Clifford continued in active connection with his profession until near his death.

For a brief period he was partner with Timothy G. Coffin and subsequently for nearly ten years was associated with H. G. O. Colby. From 1845 to 1853 Lincoln Flagg Brigham,

who had studied in his office, was his partner. Governor Clifford first entered upon public life in 1835 when he took his seat in the Massachusetts Legislature. That was the year of the revision of the statutes of the Commonwealth and he performed effective service on the large committee which had the matter in charge. In 1836 he was aide-de-camp to Governor Everett, a position which he held until Mr. Everett's administration was brought to a close in 1840 by a single vote out of a hundred thousand. Before Governor Everett left the office, however, he conferred upon Mr. Clifford, in whom he had the highest confidence, the appointment of district attorney for the Southern district of Massachusetts, an office in which he faithfully and ably served the people nearly ten years. Meantime in 1845 Bristol county elected him to the State Senate, in which body he gave renewed evidence of his ability as a speaker and legislator.

But Governor Clifford's love for the activities of his profession was paramount and fortunately for his own gratification, in 1849, he entered upon the duties of an office which was to be the field of his longest and most distinguished public service. In that year he received from Governor Briggs the appointment of attorney-general of the State. Early in the following year it fell to his lot to conduct a trial that is memorable in the legal annals of the country—that of Prof. John W. Webster for the murder of Dr. George Parkeman. To this day, after the lapse of half a century, the circumstances surrounding that great crime and the trial possess the fascination of a tragic drama. The labor and responsibility which it threw upon the attorney-general were of the most arduous character, and it is sufficient for this present purpose to state that when the trial was concluded and its details were published to the world, the prosecuting officer had won a reputation for ability and force, as well as for discretion and fairness, which was recognized far beyond the limits of New England. He fully realized the importance of that trial and what it meant for his later professional career. He considered it the crisis of his life, and was intensely gratified with the many flattering evidences received by him upon his success.

In the fall of 1852 the Whig party nominated Mr. Clifford for governor of the State. He accepted the nomination with reluctance and although he received nearly 25,000 more votes than either of the opposing candidates, he was not elected by the people. The plurality system had not then been adopted. On the meeting of the Legislature, however, he was chosen by the votes of both branches and was inaugurated January 14, 1853.

Governor Clifford discharged the onerous duties of the chief magistracy with great fidelity and dignity and it remained wholly with himself to say whether he should remain in



JOHN H. CLIFFORD.

the office a second term. His unyielding interest in his profession impelled him to decline a renomination and upon the election of Gov. Emery Washburn, his successor, he was at once called to resume his former place as attorney-general. This office he continued to hold one year by appointment, one year by legislative election, and a third year by the choice of the people. In retiring finally from this position in 1858, he did not abandon professional

labor and was frequently found in the highest courts of the State and nation engaged in important cases.

During the Civil war Governor Clifford spared no effort in upholding the Union cause. He was several times summoned to Washington for council with the Cabinet officers. In 1862 he accepted election to the State Senate and was at once chosen its president, enabling him to render conspicuous service to the government at a critical period of the war.

In 1867 Governor Clifford entered upon a course of life that was thereafter to take him from professional and political paths into the routine of practical business. Assuming charge of the Boston and Providence Railroad corporation, he turned his energies to its promotion with his accustomed vigor and success. But his new duties were not permitted to wholly divert his attention from the public affairs of New Bedford, while at the same time his high standing and his broad culture drew him into many associations extending over a wide field. He was a member of the American Academy of Arts and Sciences, and of the Massachusetts Historical Society. He rendered most valuable service to Harvard University, having been repeatedly elected president of the Board of Overseers. At the inauguration of President Walker in 1853 and President Eliot in 1869 he delivered addresses that were notable for impressive eloquence and deep thought. He received the degree of LL.D. from both Brown and Harvard Universities.

In the spring of 1873 Governor Clifford was compelled by failing health to abandon labor and seek recuperation in a warm climate. After a period passed in Florida, he made a European tour in 1875. Before his departure he declined appointment as United States Minister to Russia, and to Turkey, offered him by the administration at Washington. He remained in Europe about six months with his family and returned with improved health. Reaching home in November he resumed his labors, but his lifework was nearly closed. A disease of the heart, which had years before manifested itself, attacked him more severely, and he died January 2, 1876. Tributes to his character and abilities were paid by numerous institutions and societies throughout New England. Charles W. Clifford and Walter Clifford, both leading members of the Bristol county bar, are sons of Governor Clifford.

FRANCIS ALMON GASKILL, Worcester, associate justice of the Superior Court of Massachusetts, is the only son of Albert and Anna S. (Comstock) Gaskill and a grandson of Col. Lebbeus Gaskill and Susan De Witt, and was born in Blackstone, Worcester county, Mass., January 3, 1846. In 1860 he removed with his parents to Woonsocket, R. I., where



FRANCIS A. GASKILL.

he was graduated from the high school in 1862. In 1866 he was graduated with honor from Brown University and afterward spent some time as private tutor to the sons of a family in Newport, R. I. He read law with Hon. George F. Verry, of Worcester, Mass., and at Harvard Law School, and was admitted to the bar at Worcester, on the 3d of March, 1869. He practiced in copartnership with Mr. Verry until the latter's death in 1883, after which he

was a partner of Mr. Verry's stepson, Horace B. Verry, till January, 1893. He subsequently practiced alone until March, 1895, when he was appointed by Governor Greenhalge an associate justice of the Superior Court of Massachusetts.

Judge Gaskill won distinction at the Worcester bar, and gained a high place by his ability and learning. After Mr. Verry's death his practice led him largely into the field of corporation law through his connection as counsel with such important concerns as the Travelers Insurance Company, the Worcester Consolidated Street Railway Company, the Worcester Electric Light Company, the State Mutual Life Assurance Company, etc. He also figured conspicuously in public affairs, serving as a member of the Worcester Common Council in 1875 and 1876 and as district attorney of the Massachusetts Middle district from 1887 till his appointment to the bench. He was first appointed to act as district attorney in 1883, during the illness of Frank T. Blackmer, and was chosen to that office in 1886 to succeed W. S. B. Hopkins and was twice reelected. He displayed in this capacity, great ability, legal acumen, and fidelity. His preparation of cases was always thorough and complete. He exhibited good judgment, a broad knowledge of the law, and a rare discrimination between right and wrong. As a lawyer and public prosecutor he achieved a more than local eminence.

He was a director of the Worcester Free Public Library from 1878 to 1884 and from 1886 to 1889, and president of the board during the latter year. He has been a trustee of the Worcester Academy since 1876, of the People's Savings Bank of Worcester since 1884, and of Brown University since 1888; a director of the Worcester Natural History Society since 1882 and of the State Mutual Life Assurance Company since January, 1889; and was president of the Brown Alumni Association of Boston in 1897. The degree of LL.D. was conferred upon him by Brown University in 1899. As a judge he has officiated with dignity and impartiality. He is a public spirited citizen, being prominently identified with some of the leading institutions of his native State, and as a man is widely respected and esteemed.

Judge Gaskill was married, first, in Providence, R. I., October 20, 1869, to Miss Katharine Mortimer Whitaker, daughter of Anthony B. A. and Ann (Dean) Whitaker. She died January 25, 1889, leaving two children: Mary M. and George A. He married, second, July 12, 1892, Miss Josephine L., daughter of Joseph Ingalls and Phoebe (Lovejoy) Abbott, of Providence, R. I.

CHARLES SUMNER LILLEY, Lowell, associate justice of the Superior Court of Massachusetts, is the eldest of three sons of Charles and Cynthia (Huntley) Lilley, and was



CHARLES S. LILLEY.

born in Lowell, Mass., December 13, 1851. William Lilley, his grandfather, came from Oldham, England, in 1817, and settled in Andover, Mass., where he and Abraham Marland owned a large cotton and woolen mill. Later he removed to Tamworth, N. H., and again engaged in cotton and woolen manufacturing until his death. Charles Lilley

was born in Tamworth in June, 1820, moved to Lowell, Mass., about 1832, and spent his active life as a cotton manufacturer. He still resides in that city. About 1868 he started at Oakland, Cal., the first cotton mill on the Pacific coast.

Judge Lilley attended the public schools of Lowell and received a good classical education under private tutors preparatory to entering college. He turned his energies to the law, however, studying in the office of Arthur P. Bonney, and was admitted to the Middlesex bar in June, 1877. He then began the active practice of his profession in his native city and rapidly gained recognition as an able and brilliant lawyer. His clientage was principally among local manufacturing, street railway, and kindred corporations, and his business included a number of important cases against the city of Lowell for the abatement of taxes. This brought him into the courts almost exclusively. He achieved prominence as a trial lawyer, and for several years he was one of the leading members of the Middlesex bar. From 1886 to 1888 he also maintained an office in Boston, having as his partner there G. A. A. Pevey, now city solicitor of Cambridge. On November 29, 1893, Governor Russell appointed him an associate justice of the Superior Court of Massachusetts, which position he has since filled with ability, dignity, and honor.

In politics Judge Lilley is a consistent Democrat. He was a member of the Board of Aldermen of Lowell in 1879 and of the State Senate in 1880 and 1881. In the latter body he was a member of various important committees, including the judiciary committee and the committee on probate and chancery, and in 1881 was chairman of the joint special committee appointed to revise the laws relating to marriage and divorce, and a member of the committee on the revision of the statutes. In 1884 he was a member of the Governor's Council. He was again State senator in 1886 and served as chairman of the committee on rules and a member of the judiciary committee, the committee on street railways, and the committee on revision of the judicial system. As a legislator he developed unusual ability, and won universal respect and confidence. He is a good corporation lawyer, a public spirited citizen, and an honest, impartial jurist. He is a member of Killwinning Lodge, F. & A. M., and prominently identified with the best interests of his native city.

In April, 1891, Judge Lilley married Miss Clara Bonney, daughter of the late Arthur P. Bonney, of Lowell, Mass. She died in July, 1894, leaving one daughter, Clara Bonney Lilley.

ELISHA BURR MAYNARD, Springfield, a justice of the Superior Court of Massachusetts, is the son of Walter and Hannah (Burr) Maynard, and was born in Wilbraham,



ELISHA B. MAYNARD.

Mass., November 21, 1842. He attended the public schools of his native town until 1856, when he went to Springfield and was subsequently graduated from the high school there, studying Greek and Latin under Hon. Marcus P. Knowlton. In 1863 he entered Dartmouth College, from which he was graduated with honors in 1867, having spent the junior year

at Amherst. Much of his student life was varied by teaching, and during one winter he taught both a day and an evening school in Springfield, besides keeping up his classical work. On leaving college he entered the law office of George M. Stearns and Marcus P. Knowlton, of Springfield, then one of the strongest law firms in western Massachusetts, and was admitted to the bar in 1868. While pursuing his legal studies Mr. Maynard was a member of Co. B, 2d Regt. Mass. Militia, in which he served three years. After his admission to practice he spent one year in traveling through the South and West, and while in Kansas, early in 1869, he joined an engineering corps engaged on the preliminary surveys for the Atchison, Topeka and Santa Fe Railroad south of Emporium. Returning to Springfield in 1869 he began the active practice of his profession and in 1870 formed a copartnership with Hon. William L. Smith, then mayor, which continued three years. Afterward he practiced alone until about 1885, when he became the senior member of the law firm of Maynard & Spellman. In June, 1891, Governor Russell appointed him justice of the Superior Court of Massachusetts.

Judge Maynard achieved a wide reputation as an able, honest and upright lawyer and advocate. In the general practice of his profession he acquired a large business, and rapidly rose to a prominent place at the bar. As a Democrat, he became an influential factor in politics and was soon called upon to serve his adopted city in official capacities. He was a member of the Springfield City Council in 1872 and 1873, and was also a member at large of the School Committee from 1892 to 1898. In 1879 he was a representative to the General Court, and mayor of Springfield in 1887 and 1888. In these capacities he served with great credit and with public satisfaction. In 1889 and 1890 he was a candidate on the Democratic ticket headed by Governor Russell, for the office of attorney-general of Massachusetts.

As a lawyer, jurist and citizen Judge Maynard is highly esteemed, not alone for his lofty sense of honor and public spirit, but also for his ability, integrity, and geniality. He has always manifested a deep interest in the welfare of his city and State, and has never hesitated in lending every good movement his hearty support. He was one of the founders and a trustee of the Springfield Industrial and Technological Institute, is a trustee of the Springfield Hospital and of the Old Men's Home, and vice-president of the Dartmouth Alumni Association of Central Massachusetts; is a Knight Templar and member of the Winthrop Club and the University Club of Boston.

On the 25th of August, 1870, Judge Maynard married Miss Kate Carroll Doty, daughter of Calvin and Sarah (Townshend) Doty, of Springfield, Pa., who died April 4, 1889. Their children were Robert Doty Maynard, born June 3, 1871, who was graduated from Dartmouth College in 1893, and from the Thayer School of Civil Engineering in 1895; Isabel Frances, born September 25, 1872, died September 27, 1887; Elisha Burr, jr., born May 27, 1875, died October 11, 1875; Ruth, born August 18, 1876; Josephine, born March 25, 1878, died April 5, 1878; Paul, born November 1, 1879, died September 23, 1885, and William Doty Maynard, born March 18, 1889. On July 19, 1893, Judge Maynard married, second, Luella Eliza Fay, daughter of Marcus and Eliza Fay, of Warren, Mass. She had long been supervisor of drawing in the Springfield public schools, and had gained a wide reputation as an able and conscientious teacher. The 58th Annual Report of the Board of Education of Massachusetts for 1895 says: "Miss Fay, so long identified with the educational movement in Springfield, and so widely known as a successful art teacher, is now Mrs. Maynard. Probably no one person in Massachusetts during the past ten years has had a greater influence for good in the training of children by means of drawing in the public schools."

HOSEA MORRILL KNOWLTON, New Bedford, attorney-general of Massachusetts, is descended from Capt. William Knowlton, who sailed from London for Nova Scotia in 1632–34, but died *en route*, his widow and three sons, John, William, and Thomas, continuing the voyage to their destination and finally settling in Ipswich, Mass. Hosea's immediate ancestor, William, served in King Philip's war. His father, Rev. Isaac Case



HOSEA M. KNOWLTON.

Knowlton, D. D., born at Liberty, Me., September 6, 1819, was a self-educated man, and spent fifty years in the ministry, dying at West Acton, Mass., March 23, 1894. As a clergyman of the Universalist denomination he achieved great distinction throughout New England, and in 1889 received the degree of D. D. from Tufts College. Besides numerous published articles in magazines and newspapers he was the author of a "History of Calais, Maine," 1873, and "Through the Shadows," 1885. His wife, Mary Smith Wellington, was a descendant of Kenelm Winslow, brother of Gov. Edward Winslow, and also of Rev. Thomas Smith, first pastor of the first church in Portland, Me.

Hosea M. Knowlton, eldest son of Rev. Isaac Case Knowlton, D. D., and Mary Smith Wellington, was born in the town of Durham, Androscoggin county, Me., May 20, 1847. His boyhood, in consequence of his father's itinerancy, was passed in Durham, Auburn, Hampden, and Oldtown, Me., in Keene, N. H., and in South Boston and New Bedford, Mass., and as a result his early education was received in the different preparatory schools, in the Bangor and Keene high schools, and at Powers Institute at Bernardston, Mass. He entered Tufts College, from which he was graduated with honors in 1867, receiving the Goddard prize for the best Latin prose translation and for the best examination in mathematics. He was the class historian, and salutatorian at commencement, and, as was then customary, delivered an oration in Latin. Mr. Knowlton was a very close student, a characteristic that has marked his entire life, yet he was not unmindful of other interests which develop and strengthen the physical side of man. He was a lover of all forms of outdoor sport, and was a member of the college baseball nine and also of the Theta Boat Club. He belongs to the Delta Theta Chi fraternity and was elected to Phi Beta Kappa in 1893.

After graduating he taught school two years, and then turned his attention to the law, for which he was amply equipped, both by nature and preparatory study. He pursued his legal studies in the office of Hon. Edward L. Barney, of New Bedford, and at the Harvard Law School, where he spent one year, and was admitted to the bar of Massachusetts in June, 1870. He began practice in Boston, but in 1871 removed to and opened an office in New Bedford, where he has since resided. From 1872 to 1879 he was a law partner of Mr. Barney.

Mr. Knowlton soon won prominence at the bar and gained a large clientage. His ability, learning, and high personal characteristics made him a power in the profession which he honored, and he was soon called into official action. In 1872 he was appointed registrar in bankruptcy for the First congressional district

of Massachusetts and continued to hold that office until it was abolished six years later. In 1874 he was elected a member of the New Bedford School Committee, and served four years, and in 1877 he was city solicitor. He was a member of the Massachusetts House of Representatives in 1876–77 and of the State Senate in 1878–79, and in February, 1879, he was appointed district attorney for the Southern district of the State, including the counties of Barnstable, Bristol, Dukes, and Nantucket, which position he held, by five re-elections, for a period of fifteen years. In 1893 he was elected attorney-general of Massachusetts, and by successive re-elections has since continued to discharge the arduous and exacting duties of that office with an ability which has attracted attention without as well as within the Commonwealth.

As the chief prosecuting law officer in the State he has won a high reputation. His conduct of the celebrated Borden murder trial brought him into national prominence. His argument was remarkable not only for its keen analysis of the evidence, but for its great clearness in the statement of delicate legal points, his distinction between direct and circumstantial evidence being especially noteworthy. He has never hesitated in expressing his convictions, regardless of popular sympathy, and his opinions have always been bold, straightforward, and to the point. As a public speaker he is popular and in constant demand. He has been treasurer of the First Universalist Society of New Bedford since 1874 and superintendent of its Sunday school since 1873.

On May 22, 1873, he was married to Miss Sylvia Bassett Almy, of New Bedford, and their children are John Wellington, Abby Almy, Frank Warren, Edward Allen, Helen Sophia, Sylvia Prescott, and Benjamin Almy.

CHESTER ISHAM REED, A. M., Taunton, Dedham, and Boston, State senator, attorney-general of Massachusetts, and associate justice of the Superior Court, was the son of Deacon William and Elizabeth (Dennis) Reed, and was born November 23, 1823, in Taunton, Bristol county, Mass., where he received his public school education. He was fitted for college at Bristol Academy under that faithful teacher, Frederic Crafts, and in 1841 entered Brown University, where he spent about a year, and which afterward conferred upon him the honorary degree of A. M. In 1842 he removed to Gardiner, Me., and there read law with



CHESTER I. REED.

David Batcheller, but in 1846, soon after his admission to the Maine bar, he returned to Taunton, which was the scene of a large part of his professional labors. He early formed a partnership with Anselm Bassett, the register of probate, with whom he practiced for several years, or until Mr. Bassett's death. As a pastime he also performed editorial duties on the Old Colony Republican for a little over one year.

He not only took a leading position at the Bristol bar, but soon came into prominence as a public officer, and almost constantly held some important trust. He was judge of the first Police Court established in Taunton, rep-

resented his town in the Massachusetts Legislature in 1849, and served as State senator in 1859. Mr. Reed's recognized native ability and excellent judgment fitted him for these positions and for others which were to follow. In the autumn of 1864 he was nominated by the Republicans and elected attorney-general of the Commonwealth and continued in that office by annual re-elections until April, 1867, when he resigned to accept, at the hands of Governor Bullock, the appointment of associate justice of the Massachusetts Superior Court. He resigned his seat on the bench in August, 1871, and thereafter was engaged in the active practice of law in Boston, as a partner of John R. Bullard, until his death, which occurred on Monday, September 2, 1873, at White Sulphur Springs, W. Va., whither he had gone for his health.

Judge Reed was held in great esteem as an adviser and judicious counselor, and always acquitted himself with ability and honor. Perhaps the best estimate of his character is contained in the following eulogy, which appeared in the Boston Daily Advertiser:

"As a lawyer he was quick in his apprehension and appreciation of legal principles; easily rising to broad general views; sound in practical judgment; apt in illustration and clear and forcible in statement; eminently fair toward opponents; and popular, effective, and successful in his management of causes, both before juries and courts. No man had a clearer sense of duty than he. He illustrated and illuminated the performance of all his duties by a single-minded and unswerving devotion to what seemed to him right; giving to all a noble example of inflexible integrity and the truest moral courage. With all this, in his feelings, conduct, and conversation, he was habitually as pure and gentle as a child. In his own family his presence was perpetual sunshine. In his personal friendships he was warm, disinterested, generous, and, if need be, heroic; few men have more or warmer friends than he had. Indeed, in Bristol county, where he lived until his elevation to the bench, and where he was most generously known, his personal popularity seemed to include the whole community."

In the words of a resolution adopted by the Bristol county bar Judge Reed "was a learned and pure magistrate, an upright and efficient public officer, a wise and discreet counselor, a patriotic and enlightened citizen, a sincere and faithful friend, a just and honest man, who had earned the honor, respect, and affection of his professional brethren, and of all those among whom he spent his genial and earnest life, and whose early departure is a great public loss."

He possessed a genial sympathy and an exuberant humor. He had a full and philosophic understanding of legal principles and a clear view of the whole field of jurisprudence, and in the trial of causes he had ample powers of analysis and a faculty as well as a disposition to perceive the vital points at issue. He always delighted to come to the real merits of the law and the facts. In addressing a jury he had a rare ability which was illustrated and reinforced by the charming simplicity of his manner and the genial humor of his speech; and in his arguments to the court upon questions of law he was conspicuous for his suave directness and absence of display. As attorney-general he represented and guided the varied and important interests of the Commonwealth with ability, fidelity, and success, and enlarged and magnified the reputation which he had achieved in private practice. As a judge he was patient, faithful, competent, and fearless, and if ever he was harsh it was with a manliness born of manly integrity that regarded an attempted injury to another almost as a personal affront. As a man he was frank, sincere, and progressive, possessing qualities of head and heart which made him worthy of all regard. He received from Brown University the honorary degree of LL.D.

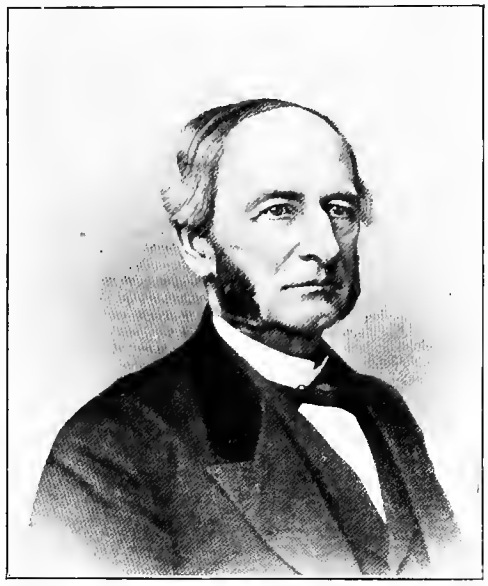
In 1867 Judge Reed removed his residence from Taunton to Dedham, Mass., and there he lived during the remainder of his life. He

was married February 24, 1854, to Miss Elizabeth Y. Allyn, of New Bedford, Bristol county. He was also survived by a son, Chester Allyn Reed, now a lawyer in Boston, and a daughter, Sybil, who died in 1885.

HENRY CHAPIN.—It has been publicly stated that Worcester county has been singularly fortunate in securing for judges of the Probate Court men in every way eminently fitted for the office. Prominent among them was Henry Chapin, who was born in Upton, Mass., in 1811. The task of supporting himself fell upon him while quite young and for some months after he was fourteen years old he worked at a trade. While his opportunities in early life for obtaining an education were limited, his ambition overcame his surrounding difficulties and he succeeded in fitting for college and was graduated from Brown University in 1835. After a period of teaching in his native village he began the study of law with Emory Washburn and continued in the Cambridge Law School.

Upon his admission to the bar he began practice in Uxbridge, where he remained until his removal to Worcester in 1846 to become a partner with Rejoice Newton. Mr. Chapin's substantial success as a lawyer was based largely upon the kindly informality in his manner, courtesy of address, and judgment of human nature, all of which enabled him to exercise a powerful influence upon juries. The exacting duties of probate judge were performed by him with care and patience that seemed inexhaustible, and he succeeded in making every one who came officially before him feel that a counselor and friend was found. During the last six months of his life he was unable to attend court, but he courageously continued his labor at his home up to the day of his death in 1878.

Mr. Chapin was an early member of the Free Soil party, and his voice was often heard during the anti-slavery agitation. He represented Uxbridge one year in the General Court, and in 1853 was its delegate to the Constitutional Convention. He was a public spirited citizen and active in all good works. In the office of mayor of Worcester, in 1849–50, he demonstrated his possession of good executive ability and an earnest desire to conserve the public interests. In 1870, when this office was made vacant by the death of Mayor Blake, he was prevailed upon to again accept the



HENRY CHAPIN.

position. Nominated for Congress by the Republicans in 1856, he declined the honor, preferring his home life and his professional labor. He possessed rare business qualifications and made profitable investments with unusual sagacity.

Mr. Chapin's religious convictions, though seldom displayed to other than his intimate friends, were deep and sincere, and he generously supported the church and her kindred interests.

ALEXANDER HAMILTON BULLOCK.—Among the distinguished sons of Worcester county, Mass., and a prominent member of the State bar was Alexander H. Bullock, who was born in the town of Royals-

ton, March 2, 1816. He was a son of Rufus and Sarah (Davis) Bullock, who gave him opportunity to obtain a liberal education. After the usual period in minor schools he entered Amherst College, from which he was graduated in 1836. During the three years following he taught school in Princeton, N. J. Returning to Worcester, Mass., he studied law in the office of Emory Washburn and in the Dane Law School at Cambridge, and was admitted to the bar in 1841. He began the practice of



ALEXANDER H. BULLOCK

his profession in Worcester, which city was thereafter his home.

Mr. Bullock possessed all natural qualifications for a successful public life. The elements of popularity found large expression in his temperament, he was a firm and generous friend, and he had a natural taste for the activities of the political field. In 1845, at the age of twenty-nine years, he was a representative of Worcester in the General Court, and again in 1847 and 1848. In 1849 he was elected to the State Senate, and from 1853 to 1856 he served as commissioner of insolvency. From 1856 to 1858 he was judge of insolvency and in 1859 was elected mayor of Worcester city on a citizens' ticket, defeating the regular Republican candidate. As a legislator he took an active part in the promotion of measures which he believed were for the good of the public, and in his capacity of mayor he demonstrated his capacity for executive duties, his excellent judgment in municipal affairs and his possession of the personal attributes that won the confidence and friendship of his fellow citizens.

From 1848 to 1850 Mr. Bullock edited the Worcester Ægis, strengthening the hold of the paper upon the good-will of the community. In 1852 he was chosen one of the trustees of Amherst College. From 1861 to 1865, during the trying war period, he was again a member of the House of Representatives, and speaker during the last four years. His support of the government in its struggle for the preservation of the Union was unwavering. In 1866 he was elected governor of the Commonwealth and added to his already extended fame by a wise and judicious administration of that high office until 1868.

Governor Bullock was many years a member of the Massachusetts Historical Society, and received the degree of LL.D. from Harvard College. He was a member of many other organizations at different periods and served for a time as recording secretary of the American Antiquarian Society. He was an eloquent and forcible speaker and was frequently called to address assemblies on a wide variety of subjects. He delivered an eloquent historical address at the celebration of the one hundredth anniversary of the incorporation of his native town, and his eulogy of President Lincoln delivered at Worcester in 1865 is remembered; as is also, his memorable address at the unveiling of the statue of his namesake, Alexander Hamilton, in New York.

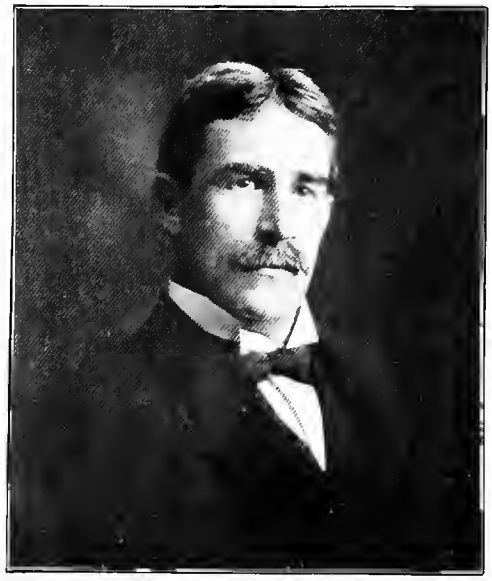
Governor Bullock died suddenly on January 17, 1882.

HERBERT PARKER, Worcester, assistant district attorney and district attorney for the Middle district of Massachusetts from January, 1886, to January, 1899, is the

son of George Alanson Parker and Harriet N. Felton, and was born in Charlestown, now a part of the city of Boston, Mass., March 2, 1856. His father was a prominent civil engineer, and during the latter years of his life was engaged in building railroads in Pennsylvania, Delaware, Maryland, Virginia, and the West. His mother was the daughter of Cornelius Conway Felton, sr., of Newbury, Mass., and a sister of Cornelius Conway Felton, LL.D., president of Harvard College from February 16, 1860, until his death February 26, 1862. His paternal grandfather was Joseph Parker, of Concord, N. H., and later of Lancaster, Mass.

Mr. Parker is descended on both sides from early New England ancestors, many of whom won distinction in professional, military, and civil life. He inherited strong mental qualities. When he was very young his parents moved from Charlestown to Lancaster, Worcester county, which has since been the family home, and where he spent a part of his boyhood. His education was acquired in private schools in Philadelphia, Pa., under private tutors at Cambridge, Mass., and at Harvard College, which he entered with the class of 1878. There he was a member of the Institute of 1770 and of the Hasty Pudding Club, and as a scholar enjoyed a high standing. Ill health, however, compelled him to leave college in his senior year, and upon recovering he turned his attention to the study of law, entering the office of Hon. George F. Hoar and the late Judge Thomas L. Nelson, then associates, but not partners, in Worcester. Shortly afterward he matriculated at the Harvard Law School, but instead of entering that institution went abroad and spent a year in European travel, principally for the benefit of his health. On returning home he completed his legal studies with Mr. Hoar and in 1883 was admitted to the Worcester county bar. He then spent one season in Washington as private secretary to Senator Hoar and as clerk of the senatorial committee on privileges and elections.

In 1884 Mr. Parker opened a law office in Worcester and entered upon the active practice of his profession; but soon afterward he removed his office to Clinton, Worcester county, where he formed in 1885 a copartnership with Hon. John W. Corcoran, subsequently an associate justice of the Superior Court and now a leading member of the Boston bar. The firm of Corcoran & Parker continued for about six years and achieved an eminent reputation. In 1891 Judge Corcoran moved to Boston, and in 1892, after the death of Hon. Harris C. Hartwell, Mr. Parker became a member of the well known firm of Norcross, Baker & Parker, of Fitchburg, of which the late Hon. Amasa Norcross was the senior partner. Ill health again caused him more or less trouble, and finally in



HERBERT PARKER.

January, 1894, having withdrawn from the Fitchburg copartnership and partially recovered his strength, he opened an office in Worcester, where he has since practiced his profession.

Mr. Parker not only built up and conducted in both Clinton and Fitchburg a large and successful law business, but also filled positions of great responsibility. In 1886 Francis A. Gaskill, then district attorney for the Middle

district of Massachusetts, appointed him his assistant, and he continued to discharge the duties of that office with increasing ability and satisfaction until Mr. Gaskill was made an associate justice of the Superior Court in 1895, when Governor Greenhalge appointed him district attorney to fill the unexpired term. Mr. Parker was elected in the following autumn for a full term of three years and served as district attorney for the Middle district until January 1, 1899, declining a re-election. He was an able, vigilant, and successful prosecuting officer and won a high reputation. A large number of important cases came before him, including the Clark Hatch forgery case, the Lilla Hoyle murder case, etc., and in all of them he displayed consummate skill and ability, excellent judgment, and untiring industry. He developed into and is now recognized as one of the best trial lawyers in the Commonwealth. His private practice as well as his official work has been almost exclusively in the trial of causes, in which he won eminent success. Nevertheless he is a safe counselor. For a number of years he was a special justice of the Second District Court of Eastern Worcester, resigning in 1894. He was also for a long time a member and for two years chairman of the Board of Examiners for admission to the bar prior to the enactment of the new law.

Mr. Parker has resided in Lancaster, Mass., since early boyhood, and for many years has been a trustee of the Public Library of that town. In politics he is an ardent Republican, and has always voted the Republican ticket except in 1884, when he voted for the Cleveland electors. He was for many years a member of the Lancaster Republican Town Committee, in 1892 and 1893 a member of the Republican State Central Committee, and at various times a member of the Republican Congressional, Senatorial, County, and Representative District Committees. He was a member of the Lancaster School Committee for four years and for a time its chairman, and for several years has been treasurer of the Worcester County Law Library Association. He has also acted as counsel for the town of Lancaster for many years, is secretary of the Association of District Attorneys of the Commonwealth, and is a prominent member of various social and political organizations.

Mr. Parker was married at Lowell, Mass., September 22, 1886, to Mary Carney Vose, daughter of Lieut. Josiah H. Vose, who was killed at the battle of Port Hudson in the Civil war, and Caroline C. Forbes, his wife. They have four children: George Alanson Parker, born October 8, 1887; Katherine Vose Parker, born November 16, 1888; Edith Parker, born September 26, 1893; Haven Parker, born April 15, 1899, all natives of Lancaster, Mass.

DANIEL DEWEY, M. A., Williamstown, associate justice of Massachusetts Supreme Judicial Court in 1814 and 1815, was descended in the fourth generation from Thomas Dewey, who came from the old Saxon county of Kent, England, and settled in Dorchester, Mass., in 1634. He was born in Sheffield, Mass., on the 29th of January, 1766, and spent two years as a member of the class of 1780 of Yale College, from which he received the honorary degree of Master of Arts in 1792. He read law with Judge Theodore Sedgwick, of Stockbridge, Mass., was admitted to the bar in May, 1787, and settled in Williamstown, where he rapidly achieved distinction as one of the ablest lawyers of his time. He was a member of the Governor's Council from 1809 to 1812, represented the Berkshire district in the Thirteenth Congress (1813–14), and in February, 1814, after the death of Chief Justice Theophilus Parsons, was appointed by Governor Strong as associate justice of the Supreme Judicial Court of Massachusetts, which position he held until his death, at Williamstown, of consumption, on the 26th of May, 1815, in the fiftieth year of his age.

In the course of an address to the grand jury in June, 1815, Chief Justice Isaac Parker spoke of Judge Dewey as follows:

"Judge Dewey is now no more. The seat that was destined for him on this circuit is vacant, and all that remains to us of him is the remembrance of his past life, his amiable temper, his modest and retiring manner, his diligence and activity in business, his wise and impartial administration of justice, his true love of his country, and his exemplary piety and devout obedience to the will of his God. The citizens of the county of Berkshire, which was the principal theatre of his active employments, loved and revered him. He is almost the only man, in an elevated rank, of fixed and unalterable political opinions, and who was never remiss in enforcing those opinions, that has been at no time calumniated. While upon the bench he exhibited all the useful and desirable qualities of a judge, in as great a degree as was possible for one laboring under so painful and distressing a complaint. He was patient, dispassionate, diligent, and intelligent. He discovered to his brethren that he possessed a deep knowledge of the principles of law, and of the rules of practice; that he was liberal and enlarged in his views, candid in his opinions, compassionate in his feelings, but inflexibly just in his decisions. He was truly such a man as every virtuous and enlightened people would desire to see placed in the judgment seat; possessing knowledge without vanity, learning without ostentation, wisdom without severity; tempering judgment with mercy, and always desirous to establish law on its true foundations—equity and right."



DANIEL DEWEY.

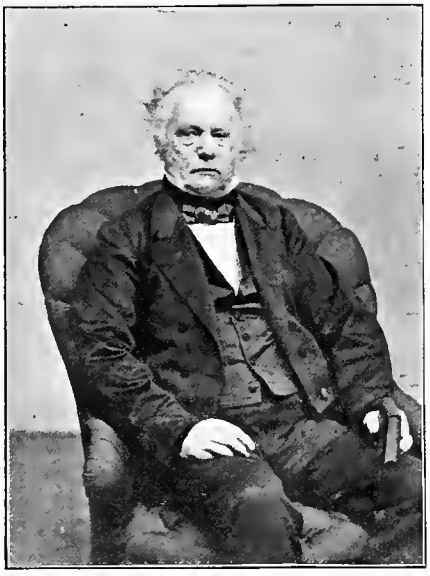
Judge Dewey was one of the founders of Williams College, which was incorporated June 22, 1793, and was its first secretary, one of its trustees from 1803 to 1815, for a time its treasurer, and for several years professor of law. No man took a deeper interest in its growth and prosperity, and few contributed greater aid to the institution during the early years of its existence. In brief, he set the example which his descendants have ever since maintained, representatives of one generation succeeding another in the board of trustees or in other positions of trust.

Judge Dewey married a daughter of Hon. John Noble, a graduate of Yale, a lawyer, later a merchant and large landowner, a trustee of Williams College, and judge of the Court of Common Pleas, appointed in 1797. His eldest son, Charles Augustus Dewey, became a judge of the Massachusetts Supreme Judicial Court, and another son, Daniel Noble Dewey, was judge of probate for Berkshire county.

CHARLES AUGUSTUS DEWEY, LL.D., Northampton, associate justice of the Supreme Judicial Court of Massachusetts from 1837 until his death in 1866, was the eldest son of Judge Daniel Dewey, a distinguished lawyer, statesman, and member of the same bench, whose memoir appears in this work, and a lineal descendant in the fifth generation from Thomas Dewey, who settled in Dorchester in 1634.

Judge Dewey was born in Williamstown, Mass., March 13, 1793. He was graduated from Williams College with honor in 1811, read law with his father, and was admitted to the bar in April, 1815. He practiced in his

native village until 1824, when he moved to Northampton, Mass., and formed a copartnership with his brother-in-law, Isaac C. Bates. His success was almost instantaneous. He was distinguished for faithful devotion to duty, and built up an extensive law business, which extended throughout the counties of Berkshire, Franklin, Hampden and Hampshire. He served four terms in the lower house of the Massachusetts Legislature, two from Williamstown and two from Northampton, and in 1830



CHARLES A. DEWEY.

was State senator from Hampshire county. In 1830 he was appointed district attorney for the Western district of Massachusetts, which position he filled with eminent ability until May 25, 1837, when, the number of judges of the Supreme Judicial Court having been increased from four to five, he was appointed by Governor Everett to a seat on that bench. He assumed his duties as associate justice of the highest court in the Commonwealth, at Boston, June 24, 1837, and continued to discharge them until his death, which occurred at his residence in Northampton on the 22d of August, 1866.

Judge Dewey gained a high reputation for excellent judgment, great industry, rare legal ability, and close attention to counsel. He displayed great general knowledge of all branches of the law, and was a superior criminal lawyer and familiar with town law and with the principles of practice. He probably had no equal in the knowledge of the statute law of the Commonwealth, but as a *nisi prius* he was not so successful as were some of his associates, although his good legal instincts are proved by the fact that he was more seldom overruled than any one of them. In consultation he shone conspicuously. An unfortunate mode of expression, in both his oral and written opinions, sometimes prevented him from doing justice to his own excellent sense and sound legal conclusions. His judgments are scattered through the Massachusetts Reports from 19 Pickering to 12 Allen, or fifty-nine volumes and treat of almost every branch of the law. During the latter part of his life he took a deep interest in the law of charitable trusts, among his important opinions in this connection being those in the cases of Winslow vs. Cummings, 3 Cushing, 346; Harvard College vs. Theological Education Society, 3 Gray, 280; and Attorney-General vs. Trinity church, 9 Allen, 422. This interest came to him hereditarily, as his father delivered the judgment of the court in the celebrated case of Bartlett vs. King, 12 Mass. Reports, 536, which is the leading one in Massachusetts and probably in the United States.

Judge Dewey was kind, courteous and dignified, possessing a retentive memory, sound and solid judgment in application to the law, quick and clear discrimination, keen powers of analysis, and profound and varied legal attainments. He was also patient in research and critical in examination. His success in life was due to his constant devotion to his profession, and his moral not less than his intellectual traits peculiarly fitted him for the high judicial station which he filled with so much honor and ability for twenty-nine years. He was a trustee of Williams College from 1824 until his death in 1866, and in 1840 received the honorary degree of LL.D. from Harvard.

He was a member of the First Congregational church of Northampton.

Judge Dewey was twice married, first to Frances A., daughter of Hon. Samuel Henshaw, sometime judge of probate for Hampshire county, Mass., and second to Caroline, daughter of Hon. George Clinton and sister of Governor De Witt Clinton, of New York. A memoir of his eldest son, the late Hon. Francis Henshaw Dewey, appears in this work. His second son, Charles Augustus Dewey, jr., born December 29, 1830, was graduated from Williams College in 1851, and has been a prominent lawyer in Milford, Mass., since 1859, and judge of the Third Southern Worcester District Court since 1872. His third son, George Clinton Dewey, became a physician and died in Northampton. Judge Dewey also had three daughters: Caroline Betts, wife of Daniel W. Alvord, of Greenfield, Mass.; Mary Clinton, who married Hon. Hamilton Barclay Staples, an associate justice of the Massachusetts Superior Court from 1881 until his death in 1891; and Miss Maria Noble Dewey, of Worcester.

FRANCIS HENSHAW DEWEY, LL.D., Worcester, associate justice of the Superior Court of Massachusetts from 1869 to 1881, was the eldest son of Judge Charles Augustus Dewey, and a grandson of Judge Daniel Dewey, both of whom are noticed at length in this work, and a direct descendant in the sixth generation of Thomas Dewey, who came from England to Dorchester, Mass., in 1634. This Thomas Dewey was also the ancestor of of Hon. Charles Dewey, judge of the Supreme Court of Indiana; of Hon. Charles Dewey Day, judge of the Queen's Bench in Canada; of Rev. Orvill Dewey, D. D., the noted Unitarian clergyman; and Prof. Chester Dewey, D. D., LL.D., of Rochester, N. Y. Judge Dewey's mother, Frances A., was the daughter of Hon. Samuel Henshaw, sometime judge of probate for Hampshire county, and later judge of the Court of Common Pleas.

Judge Dewey was born in Williamstown, Berkshire county, Mass., on the 12th of July, 1821, and in 1824 went with his father to Northampton, where he spent his boyhood and youth. He received his preparatory education in Northampton and Amherst, and in 1836 matriculated at Williams College, from which he was graduated with honor in 1840, and in which he ever afterward took an active



FRANCIS H. DEWEY.

interest. After leaving college he proceeded to fit himself for the bar in the law schools of Yale and Harvard and in the offices of Charles P. Huntington, of Northampton, and Hon. Emory Washburn, of Worcester, whither he removed in May, 1842, and where he continued to reside from that time until his death. He was admitted to the Worcester bar in June, 1843, and was at once taken into partnership by Mr. Washburn, a fact which testifies to the latter's appreciation of Mr. Dewey's ability even at that early stage. The manner in which Mr. Dewey entered upon the work of this established office and assumed its responsibilities alone on Judge Washburn's promotion to the bench of the Court of Common Pleas in June, 1844, tested his powers and gave him a high standing at the bar in the

earliest years of his practice. During this period his utmost diligence was constantly required to attend to the multitude of cases in which Mr. Washburn had been engaged, and he gave such evidence of fitness for the task and of devotion to business that he retained almost the whole clientage and steadily increased it year by year. In September, 1850, he formed a copartnership with Hon. Hartley Williams, then just admitted to the bar and subsequently judge of the Worcester Municipal Court. This relation continued for thirteen years, or until 1863, after which Mr. Dewey practiced alone till December, 1866, when Frank P. Goulding became his junior partner. The firm of Dewey & Goulding continued until February, 1869, when Mr. Dewey was appointed by Governor Claflin an associate justice of the Massachusetts Superior Court.

In February, 1881, Judge Dewey resigned his seat on the bench, partly on account of the pressure of business affairs, and from that time until his death his attention was chiefly given to the Washburn & Moen Manufacturing Company, the largest business establishment in Worcester, in which he was a heavy stockholder, a director for thirteen years, and the general legal adviser. He was a member of the Worcester Common Council in 1861, and was chosen to fill the unexpired term of the president, James E. Estabrook, who went to war. In 1866 he served on the Board of Aldermen. He was a member of the Massachusetts Senate in 1856 and 1869, chairman of the judiciary committee during both terms, and in 1856 the Republican candidate for president. He was originally a Whig and later a Republican, but never took an active interest in politics. In 1869 he resigned his position as senator to accept the appointment of justice of the Superior Court.

Judge Dewey was one of the original incorporators of the Mechanics National Bank and the Mechanics Savings Bank of Worcester, and the last survivor of them, and was a director of the former institution from its organization in 1848 and a trustee of the latter from its beginning in 1851. He was also acting president of the Mechanics National Bank from 1853 to 1857, during the absence of the president, Hon. Alexander De Witt, then member of congress. He was secretary of the Mechanics Savings Bank from its organization in 1851 to 1860 and president from 1882 until his death; a director of the Norwich and Worcester Railroad Company from 1872 and president from January, 1879, till his death; a director of the Worcester and Nashua Railroad Company from January 29, 1857, to December 16, 1885, when the road was leased to the Boston and Maine; president of the Worcester County Horticultural Society from 1867 to 1870 inclusive and from 1882 till his death, a trustee from its organization, and vice-president from 1864 to 1867; for many years a trustee and from 1884 president of the board of trustees of the Rural Cemetery Association and from 1884 until his death president of the Old Men's Home of Worcester. He was president of the old Worcester Lyceum, and from January, 1882, served as a director of the Worcester Free Public Library, being president of that institution during the last five years of his life; at his death he was also chairman of the finance committee. He was the first president of the association formed in 1852 for the maintenance of a library and reading room in Worcester. He was also a trustee of the Washburn Memorial Hospital and of the Worcester Young Men's Christian Association, a member of the vestry of All Saints church of Worcester, a member of the American Antiquarian Society, to which he was elected in 1869, and senior member of the Worcester Fire Society.

He was largely interested in real estate investments during the greater part of his life, and with Joseph Mason carried through several large transactions, notably the development of the western portion of the city of Worcester, where Dewey and Mason streets are located. Judge Dewey was elected a trustee of Williams College in 1869, an honor that had been conferred upon his father and grandfathers, upon his great-grandfather (Judge

David Noble), and upon his uncle (Judge Daniel N. Dewey), and at the time of his death he was third in seniority and chairman of the finance committee. In 1873 he received from that institution the honorary degree of LL.D. He died in Worcester on the 16th of December, 1887, universally esteemed and respected. He made a number of important bequests, and founded in Williams College the Dewey and Henshaw scholarships.

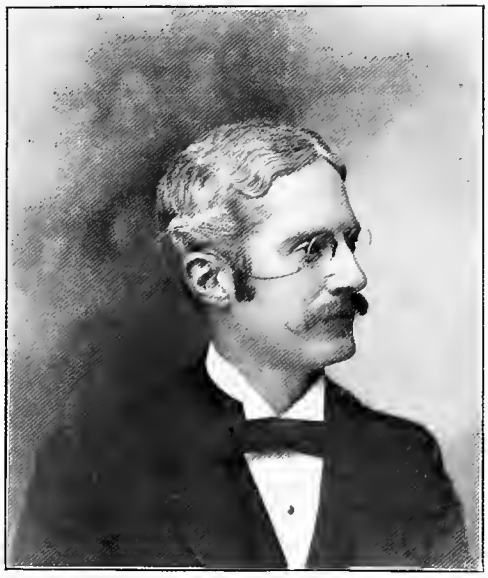
Descending from a family of distinguished lawyers, Judge Dewey was nurtured and carefully educated for the profession, and for many years he was one of the most eminent citizens of not only Worcester county, but of the Commonwealth. It is enough to establish his distinction among the lawyers of Massachusetts to say that he was one of the great leaders of the Worcester bar from 1845 to 1869. Possessing a liberal education, given active mental and physical qualities, a close student of the principles of law, thorough in his investigations before bringing a case to trial, methodical in the arrangement and discriminating in the selection of evidence, quick to see the weak points on both sides and prompt in taking advantage of them, logical and forcible in his statement of facts, with abundant resources and the faculty of grouping events in the argument of cases, quiet in manner, persistent in endeavor and with great force of character, he was eminently successful before juries, while in the management of purely business matters the same qualities of patient, thorough investigation, persistence of effort, directness of application, and intelligent discrimination made his counsels valuable and his service in great demand. He rose steadily in the practice of his profession until he ranked as one of the leading lawyers in Massachusetts. In his private business he was also successful. As a justice of the Superior Court he displayed the same high qualities—ample learning, great experience, a high sense of duty, unfailing courtesy and dignity, and a conscientious desire to do equal and exact justice to all suitors. In the esteem of the bar and of the public alike his judicial services were eminently satisfactory and successful. The secret of his power lay in his great practical sense, the wonderful alertness of his intellect, and the tireless industry that enabled him to master every detail of his cause. Reliance was always to be placed on his conclusions. He was connected with a large number of corporations and trusts, and everywhere the business specially laid upon him was thoroughly and promptly done. There were more than twenty boards and committees having charge of financial and other trusts whose meetings he attended with strict punctuality. He was always clear and decided in his opinions. Judge Peleg Emory Aldrich said of him:

"Of all the men I have been called upon to meet, from him I have learned in these latter years the debt of friendship. The light on his face came from his heart. I never heard him pass a harsh or censorious judgment; it was not in his nature. He had one of the most complete lives I ever witnessed. . . . He was connected with the charity, with the religious, the industrial, and the financial affairs of this city [Worcester]. He was happy in his life; he was happy in his death; the cloud settled gradually and painlessly. Of Judge Dewey it can be said:

> "His sufferings ended with the day,
> Yet lived he at its close,
> And breathed the long, long night away
> In statue-like repose.
>
> "But when the sun, in all its state,
> Illumed the eastern skies,
> He passed through glory's morning gate,
> And walked in Paradise."

Judge Dewey was married November 2, 1846, to Frances A., only daughter of John Clarke, of Northampton, Mass. She died March 13, 1851, and on April 26, 1853, he married Sarah B., only daughter of Hon. George A. Tufts, of Dudley, Mass., who survives him. Of his seven children, two died in infancy; three are living, viz.: Francis H., John C., and George T., all graduates of Williams College and all lawyers in Worcester, and Sarah Frances, wife of Dr. Oliver Hurd Everett, and Caroline Clinton, wife of Dr. Charles L. Nichols, of Worcester, are deceased.

FRANCIS HENSHAW DEWEY, Jr., Worcester, comes from a family distinguished in the legal profession of Massachusetts, his great-grandfather, Daniel Dewey, his grandfather, Charles Augustus Dewey, and his father, Francis Henshaw Dewey, sr., all being eminent lawyers and jurists. A memoir of each appears in this work. Mr. Dewey's mother was Sarah B. Tufts, daughter of Hon. George A. Tufts, of Dudley, Mass., and a descendant of an old New England family.



FRANCIS H. DEWEY, JR.

Mr. Dewey was born March 23, 1856, in Worcester, Mass., where he has always resided. He was educated in private schools in his native city, at St. Mark's School in Southboro, Mass., where he spent four years, and at Williams College, from which he was graduated with honor in 1876, being one of the first six in his class, and holding membership in the Phi Beta Kappa Society. Among his classmates were Rev. Charles W. Huntington, of Lowell, Mass.; Rev. William R. Campbell, of Boston; Arthur H. Masten and Benjamin Norton, of the New York bar; and George D. Wicks, of Cleveland, Ohio. Mr. Dewey was graduated from the Harvard Law School with the degree of LL.B. in June, 1878, continued his legal studies in Worcester in the office of the late Judge Hamilton Barclay Staples and Frank P. Goulding, then partners, and was admitted to the Worcester county bar in February, 1879. The same year he received from Williams College the degree of M. A. in course.

Since his admission to the bar Mr. Dewey has successfully practiced his profession in Worcester, and is now one of the vice-presidents of the Worcester County Bar Association. He comes to the law as it were by inheritance, being the fourth in succession to make it a lifework. His practice, while general in scope and character, has been very largely in the line of corporation and probate matters and therefore of an office nature. It has seldom brought him into court. He has gained distinction as a wise and able counselor and safe adviser, while as a business man he is specially prominent. On his father's death in 1887 he was chosen to succeed him as a trustee of the Worcester Mechanics Savings Bank and a director of the Mechanics National Bank, of both of which he had been solicitor since 1880. In April, 1888, he was also elected president of the Mechanics National Bank and still holds that position. He was one of the reorganizers and consolidators, one of the first directors, and the general counsel of the Worcester Consolidated Street Railway Company, and since May, 1898, has been its president. For many years he has been a director of the Norwich and Worcester Railroad Company, of the Worcester Gas Light Company, of the Worcester Traction Company, of the Worcester Theatre Association, and of the Proprietors of the Bay State House of Worcester, being also treasurer of the last two corporations. He is a trustee of several large estates, is prominently and actively connected with various other business organizations, and is vice-president of the Worcester Art Museum and a director of the Worcester Board of Trade. He is chairman of the Board of Commissioners of the city hospital funds of Worcester, and has long been prominent and influential in the First Unitarian Parish, having served as chair-

man of the parish committee and as superintendent of the Sunday school. He is also deeply interested in works of benevolence, is a director of the Worcester Associated Charities, and a member of the American Antiquarian Society, of the Worcester Fire Society, and of the Worcester, Hancock, and Quinsigamond Boat Clubs. He is a Republican, but though often urged has never accepted political office. He is essentially a lawyer and business man, and in each of these capacities has achieved a high reputation for ability, sound judgment, sagacity, perseverance, and industry.

Mr. Dewey was married December 12, 1878, to Lizzie D., only daughter of the late Harrison and Sarah (Howe) Bliss, of Worcester, a granddaughter of Abel and Nicene (Ballou) Bliss, of Royalston, Mass., and a great-great-granddaughter of Sylvanus Bliss, one of the earliest settlers of Rehoboth. Her paternal grandmother, Nicene Ballou, and President James A. Garfield's mother were cousins. Her father was for many years one of the leading merchants, bankers, and citizens of Worcester. Mr. and Mrs. Dewey have two children: Elizabeth Bliss Dewey, and Francis Henshaw Dewey, 3d.

HENRY LANGDON PARKER, Worcester, son of Asa and Margaret Ann (McCorristone) Parker, was born at Acton, Mass., on the 7th of October, 1833. He was educated in Lawrence Academy, at Groton, Mass., and in Dartmouth College, from which he was graduated in the class of 1856. He pursued his law study in the town of Hopkinton, where he began practice in 1860. In 1862 he received the appointment of trial justice for Middlesex county and held the office until his removal to Worcester in 1865. In the latter city he has been in active practice during the past thirty-three years, achieving the success that usually attends earnest effort and high qualifications. His present position in the Worcester county bar is an enviable one and his character and standing in the community at large are above reproach.

Mr. Parker has made his profession his chief object in life, but in response to calls from his fellow citizens has served them in a public capacity. From 1882 to 1888 he was a member of the School Board of Worcester, where his efforts were constantly directed toward elevating and improving the standard of education and broadening the facilities of the city for teaching the young. In 1886–7 he



HENRY L. PARKER.

was a representative in the Legislature, serving during his second term in the committee on probate and insolvency. He was a member of the State Senate in 1889 and 1890, serving as chairman of the committee on public service, on the judiciary and on rules and election laws. He discharged every duty in these several capacities with singular fidelity, gaining thereby the approbation of the community. In 1893 he acted in the capacity of chairman of the committee appointed to revise the city charter, where his knowledge of municipal affairs and the law was of great service. He is one of the trustees of Public Reservations in Massachusetts and is deeply interested in forestry, horticulture and kindred subjects.

In this and the study of the higher class of literature he finds pleasure and relaxation from professional labor.

Mr. Parker is an Episcopalian and for many years has been closely identified with that denomination, serving as warden in both St. Matthew's and St. Mark's churches. In politics he has always been an adherent of the Republican party and consistently upheld its principles.

Mr. Parker was married in 1861 and has three sons and two daughters. The eldest son, Henry L. Parker, jr., graduated from Dartmouth College in 1885 and from Columbian Law School, Washington, D. C., and is in practice with his father. Another son, William H., is an instructor in Yale College.

MARSHALL WILCOX, a veteran of the Pittsfield (Mass.) bar, was born in Stockbridge, Berkshire county, Mass., on March 19, 1821. He is a son of Loring Wilcox, who was a native of Cromwell, Conn., who moved from there with his parents to Stockbridge. Loring Wilcox died while in middle life at Lanesboro, where he was engaged in mercantile operations.

Marshall Wilcox began his education in the public schools and at sixteen years of age entered the Lenox Academy, an institution of excellent repute in those days. After three years there he entered Williams College from which he was graduated in 1844, with the degree of A. B. After his collegiate course he studied law in the office of Lester Filley, in Otis, Mass. In 1847 he was admitted to the bar. His first practice was in Otis, where he remained two years, which period was succeeded by a similar one in Chester, Mass. He then moved to the town of Lee, Berkshire county, and opened an office in which he continued eighteen years and until 1871, when he removed to Pittsfield where he has since practiced his profession.

Mr. Wilcox was an "old-time Whig" with broad and liberal principles, until the formation of the Republican party, since which time he has been affiliated with that political organization. He was elected to the House of Representatives for one year (1866), and in 1868 served in the State Senate, with credit to himself and to the satisfaction of his district. Williams College conferred upon him the degree of LL.D. During a period of more than half a century Mr. Wilcox has followed the



MARSHALL WILCOX.

profession to which his life was devoted, attaining a satisfactory degree of success, and having the constant enjoyment of the confidence of his fellows and the respect of his brethren. Probably none of the Berkshire lawyers has mastered more of the different branches of the law than has Mr. Wilcox. While the younger generation of the profession, to whom his name is as familiar as their own, may not know this so well, the older members render to him the respect and honor due to his veteran service.

Mr. Wilcox was married in Detroit, January 7, 1857, to Nancy B. Bradley, a native of Lee, Mass. They have one son, Charles M. Wilcox, who is an attorney and a resident of Pittsfield.

JAMES LOVE GILLINGHAM, New Bedford, special justice of the Third District Court of Bristol county, was born in Chelsea, Mass., July 12, 1857. He is a son of James and Anna E. (Love) Gillingham, the ancestry of the family being Scotch and well represented in America through several generations. The family removed to Charlestown while James L. was an infant, and after the mother's death, in 1859, again changed their residence to Fairhaven, Bristol county, Mass. There the son attended school and was graduated from the high school in 1876. The following year he entered the office of Richmond & Cook, general agents for the Equitable Life Insurance Society, and in 1878 began the study of law in the office of Thomas M. Stetson and Francis B. Greene, in New Bedford. He was admitted as an attorney at a session of the Supreme Judicial Court of Massachusetts, held on April 20, 1880, and was admitted as an attorney in the United States Circuit Court in Boston, June 14, 1882. Since that time he has had an office in New Bedford, though keeping his residence in Fairhaven, and now has also an office connection in Boston.

Judge Gillingham is a Republican and has been prominent and active in the local political field. He has served on the Town Committee several years, a part of the time as chairman. He has been one of the town selectmen and has served on the School Committee. He has twice represented the Fourth district in the General Court and served on the committee on the judiciary. Among the several appointive offices with which Judge Gillingham has been honored are those of public administrator and commissioner to qualify civil officers. On September 16, 1897, Governor Wolcott appointed him special justice of the Third District Court of Bristol county, an office which he has administered during two years with the same fidelity, clear judgment and legal ability that has characterized his whole professional career.

In the public affairs of Fairhaven Judge Gillingham has always taken a deep and active interest. He is a member of the Fairhaven Improvement Association, a trustee of the Fairhaven Institution for Savings, of the Millicent Library and of the Riverside Cemetery. He is prominent in the Masonic fraternity and has been past master of Concordia Lodge and district deputy grand master of his district. He is also a member of the order of Odd Fellows.



JAMES LOVE GILLINGHAM.

Judge Gillingham was married in November, 1885, to Elizabeth Byram Pratt, of Fairhaven; they have two sons and two daughters.

RICHARD WILLIAM IRWIN, attorney at law, of Northampton, Mass., was born in that place on February 18, 1857, of Scotch-Irish ancestry. He received his education in the public schools and was graduated from the Boston University Law School in the class of 1885, with the usual degree. Leaving that institution he learned the machinist's trade in the works of the Florence Machine Company. He next worked two and a half years in the machine department of the Elgin Watch Company, at Elgin, Ill. Returning to Massachusetts he engaged with his brother, T. L. Irwin, in the house furnishing business at Natick,

Mass. His admission to the law school took place in 1882. He was admitted to the Hampden county bar in 1885 and has been engaged in practice in Northampton to the present time. Mr. Irwin is a Republican and has been active in politics. He was a member of the Northampton Common Council in 1888 and 1889, serving as president in the latter year. He was appointed city solicitor and held the office six terms up to 1894. He was first lieutenant of Co. I, Second Regiment of Militia about two



RICHARD W. IRWIN.

years (1887–89), and captain from August of the latter year to August, 1892. Elected to the State Legislature for the year 1894, he served on the committee on constitutional amendments and as clerk of the committee on probate and insolvency. Re-elected in 1895, he was House chairman of the committee on bills in third reading, was a member of the committee on judiciary and rules, and on a special committee appointed to prepare a history of "Ye Ancient Codfish," in the hall of the House. Elected to the Senate in 1896 he was chairman of the committee on cities, on bills in third reading, and on counties. He served three more terms in the Senate. In 1897 he was chairman of the committee on street railways, a member of the committees on counties and the judiciary. In 1898 he was chairman of the committee on street railways, chairman of the committee on constitutional amendments, and member of the committee on judiciary. Mr. Irwin's career during these six consecutive years in the State Legislature was notable for industry in the public service, by reason of his intelligent grasp of important legislation, and his popularity in both branches of the State government.

Mr. Irwin is a member of both the Masonic and Odd Fellows orders, and takes a deep interest in the public affairs of his native town. He is a member of the Northampton Club, and was sent as alternate delegate to the St. Louis Convention which nominated Mr. McKinley for the presidency. He has been delegate to many State conventions and is now chairman of the Hampden County Republican Committee. He is an effective and popular public speaker and his services are in frequent demand in political campaigns.

Mr. Irwin was married November 16, 1892, to Florence Bangs, of Springfield, Mass.

HENRY FRANCIS HARRIS, Worcester, son of Charles Morris and Emily (Dean) Harris, was born in the village of Harrisville, West Boylston, Mass., on the 19th of August, 1849. On his father's side he is descended from Thomas Harris, who with a brother, William, left the Massachusetts Bay Colony with Roger Williams for Rhode Island. His mother's ancestry is traced to Thomas Dudley, governor and deputy governor of Massachusetts under the first charter.

Mr. Harris obtained his early education in the common schools. He subsequently attended the Green Mountain Institute at South Woodstock, Vt., four terms, the Worcester, (Mass.) Academy two terms, and the old Lancaster (Mass.) Academy two years, and then entered Tufts College, from which he was graduated with honors in 1871, standing at

the head of his class. Among his classmates were Joseph O. Burdett, of the Boston bar; Dr. John L. Coffin, of Boston; and Hon. William C. Prescott, of Herkimer, N. Y. On leaving college Mr. Harris began the study of law at the Harvard Law School and in the office of Hon. Hartley Williams, of Worcester, and after six months in the former institution and a year in the office, he entered, in January, 1873, the Boston University Law School, from which he was graduated with the degree of LL.B. in June of the same year. There he was both a member of the first graduating class and the first among his classmates. During this period and until Christmas, 1873, he also read law in Boston in the office of John A. Loring, being admitted to the Suffolk bar in that month. On January 1, 1874, he opened an office in Worcester, where he has ever since practiced his profession, and where he has resided since 1883, when he removed his residence thither from West Boylston, which had been his home up to that time.

As a boy and young man Mr. Harris spent his vacations and all his spare time from study in learning the details of manufacturing cotton goods. He also acquired some experience in a woolen mill. In both industries he gained a practical acquaintance with every machine by actual work thereon, and became thoroughly familiar with all branches of the business. Since 1880 he has been actively connected with large and important manufacturing interests, without, however, neglecting his legal practice, which has steadily increased especially in the line of corporation law. Mr. Harris was elected a director and assistant treasurer of the West Boylston Manufacturing Company in 1880, and in May, 1889, he succeeded his father as treasurer, the latter having died that year. He still holds this position, and since February, 1894, has also been president of the L. M. Harris Manufacturing Company, of which he has been a director since its organization in 1890. The extensive property of the first named company at West Boylston was recently purchased by the Metropolitan Water Commission. In Worcester Mr. Harris has been a director and the solicitor of the Worcester Safe Deposit and Trust Company since 1891, and a director of the First National Fire Insurance Company since 1892, and is now a trustee of the Worcester City Hospital and a member of the Worcester School Committee. In West Boylston he was a member of the School Committee for several years prior to 1882, and was master of Boylston Lodge, F. & A. M., in 1879 and 1880.



HENRY F. HARRIS.

Mr. Harris is an able lawyer, well grounded in the science and principles of jurisprudence, and successful in both chamber and court practice. He is especially strong in corporation law. In business, also, he has achieved equal prominence. He is an ardent Republican, has always been zealous in the interests of his party, and though often urged to accept political office has invariably declined, preferring to give his entire attention to his legal and business affairs. He is a prominent member of the Hancock Club of Worcester, and of various other organizations.

Mr. Harris was married May 17, 1883, to Miss Emma Frances Dearborn, the well-known and talented singer and daughter of William F. and Mary J. (Hurd) Dearborn, of Worcester,

Mass. They have two children, Rachel, born December 11, 1887, and Dorothy, born March 22, 1890.

ALFRED S. PINKERTON, Worcester, president of the Massachusetts Senate in 1892 and 1893, is the son of William Cooper and Maria W. (Fiske) Pinkerton, and was born in Lancaster, Pa., March 19, 1856. His father, a hardware and iron merchant, died in Scranton in 1869. Mr. Pinkerton attended the public and high schools of Lancaster and Scranton until he was thirteen, when the death of his father threw him upon his own resources. He then came to Worcester, Mass., with his mother, and for several years was employed as a bookkeeper for manufacturing concerns. In the mean time he improved every opportunity in private study, reading general literature, and, as it were, educating himself. About 1879 he became a student in the office of the late Hon. Peter C. Bacon, then the leader of the Worcester bar, and under his direction gained a substantial knowledge of the law.

He was admitted to the Worcester county bar in December, 1881, and since then has been actively and successfully engaged in the general practice of his profession in Worcester, giving special attention to corporation, trust, and probate matters. Early in his career he obtained a recognized standing and a good business, and these have steadily increased in scope and importance until he now stands among the leaders of the bar in his section. He has been connected with many important cases, not only in Worcester county, but also in Boston, where he has acquired a considerable practice or clientage. His law office has been in Worcester from the first. He drew and secured the passage of the bill under which a receiver was appointed for the Iron Hall in Massachusetts, and was counsel for the receiver until the affairs of the order were wound up. This took him into many of the Eastern States and magnified his already established reputation for ability, industry and good judgment.

In politics, being a staunch Republican, Mr. Pinkerton has long been active and prominent, and for a number of years has served on the Worcester Republican County Committee, of which he has been chairman, and of which he is now (1899) secretary and treasurer. He is also chairman of the executive committee of the Republican State Central Committee. In 1887 he represented the old Second ward of Worcester in the Massachusetts Legislature, and was House chairman of the committee on towns, always an important place, but this year doubly so by reason of the number of divisions sought, and the magnitude of the contest in several cases,



ALFRED S. PINKERTON.

especially those involving the petition of Beverly and Medford. As spokesman of the committee on the floor in all the debates in which his measures were involved, he in the first session acquired prominence in the Legislature, which he retained during his term of service. Being re-elected to the House for the session of 1888, he served on the judiciary, constitutional amendments, and special committee to represent the Commonwealth at the celebration,

held at Columbus, Ohio, commemorative of the establishment of the civil government in the Northwest Territory. As a member of the House in 1889 he served on the judiciary committee and as chairman of the committee on water supply, and was selected to present the name of Hon. George F. Hoar for renomination to the United States senatorship.

During these three years in the Legislature Mr. Pinkerton made an excellent record and won the honors of a leader. He drew and secured the passage of many important measures, including the itinerant vendor's bill, and was instrumental in promoting much wholesome legislation. In 1890, 1891, 1892 and 1893 he represented the old Fourth Worcester district in the Massachusetts Senate and during the last two years served as president of that body. In 1890 he was chairman of the Senate Committee on constitutional amendments and a member of the judiciary committee, of the committee on probate and insolvency, and of the special committee to which was referred the contested election of George D. Hart, the first case arising under the new Australian Ballot System, a decision which involved many technical points, and the rule there laid down, that where the will of the voter could be ascertained without an infringement of the plain provisions of law, such will should usually govern, has been followed since. In the session of 1891 he was chairman of the judiciary committee, the highest honor in the gift of the chair, and by virtue of the position the leader of the Senate. He was also a member of the committee on probate and insolvency and chairman of the joint special committee on administrative boards and commissioners. This committee was created on account of the issues raised by Governor Russell in his message to the Legislature relative to the composition, powers and action of various commissions, and this committee made a careful investigation of the entire subject, as did the special committee appointed to sit in recess of this Legislature, of which he was also chairman, and which submitted an elaborate report to the Legislature next following upon the subject of "changing, consolidating or abolishing the various State commissions."

In 1892 and 1893 he was elected president of the Senate by the unanimous vote of his associates, Republicans and Democrats alike, and officiated with dignity, impartiality, and great satisfaction. Here he made a reputation as an able parliamentarian. In 1892 he was chairman of the recess committee appointed to consider the joint rules and those of the two branches, salaries of members, and the expenses of the legislative branches of the government. The report of this committee constituted the basis for the present rules of the Legislature and materially changed the methods of introducing business from that which had previously been used. In 1893 he was chairman of the special committee to sit during recess of that body and to revise the general laws relating to corporations other than municipal. The elaborate report of this committee presented to the succeeding Legislature was the basis of many changes in the corporation acts and of special service in framing of laws intended to prevent so called "stock watering," and throw proper safeguards between the people and quasi public corporations. This year he was also appointed chairman of the special committee to represent the State at the dedication of the Farragut statue, and in both 1892 and 1893 was chairman of the committee to represent the Commonwealth at the opening and other ceremonies of the World's Columbian Exposition. During his legislative service he was an active factor in the preparation and enactment of a great many bills relating to local affairs, and those relative to gas, electric light and power, and water; also the framer of what is known as the Itinerant Vendor Act.

Mr. Pinkerton is prominent in the Masonic fraternity, being past master of Athelstan Lodge and a member of Eureka Royal Arch Chapter, of Hiram Council, and of Worcester County Commandery, K. T. It is in the councils of Odd Fellowship, however, that he

is most widely known. He joined Worcester Lodge No. 56, I. O. O. F., in July, 1878, passed through its chairs and was its noble grand two terms in 1881. He is past chief patriarch of Wachusett Encampment and a member of Canton Worcester No. 3, and of Naomi Lodge of Rebekah, and was elected grand warden of the Grand Lodge of Odd Fellows of Massachusetts in 1886, deputy grand master in 1887, and grand master in 1888, being the youngest man ever selected for that position. He has been a member of the Grand Lodge since 1882. He was elected representative to the Sovereign Grand Lodge in 1889, but resigned before taking his seat, and was re-elected in 1890 and annually thereafter until 1896, when he was elected deputy grand sire at the National Convention held at Dallas, Texas. In August, 1898, at Boston, he was elected grand sire, or the head of all the bodies of Odd Fellows in the world. Since 1899 he has been chairman of the finance committee of the Massachusetts Grand Lodge. He was a member of the committee reporting in favor of a home for the support of infirm and indigent Odd Fellows, which has been established at Worcester, and has otherwise aided in spreading the good of the order.

Mr. Pinkerton has been in constant demand as a public speaker, both during political campaigns and on special occasions, and in this connection is widely and favorably known. He is now serving his second term as a director of the Worcester Free Public Library, is vice-president of the Wildey Savings Bank and of the Middlesex Club, both of Boston, and a member of the Republican Club of Massachusetts. He is also one of the oldest members of the Hancock Club of Worcester, and an associate member of the Grand Army of the Republic. As a lawyer, citizen, legislator, and public speaker, Mr. Pinkerton has achieved distinction and honor. He has filled every position with ability. He has never neglected his profession in favor of political or fraternal matters, but in all alike has achieved success. He is unmarried.

THOMAS F. GALLAGHER, judge of the Police Court of Fitchburg, Mass., is a native of Lynn, Mass., and a graduate of the public and high schools of that city. After proper preparation for college, he entered Notre Dame University, at South Bend, Ill., from which he was graduated in the class of 1876. Returning to Lynn he studied law with Hon. William D. Northend, of Salem, and in October, 1878, was admitted to the bar. From that time until December, 1881, he had his

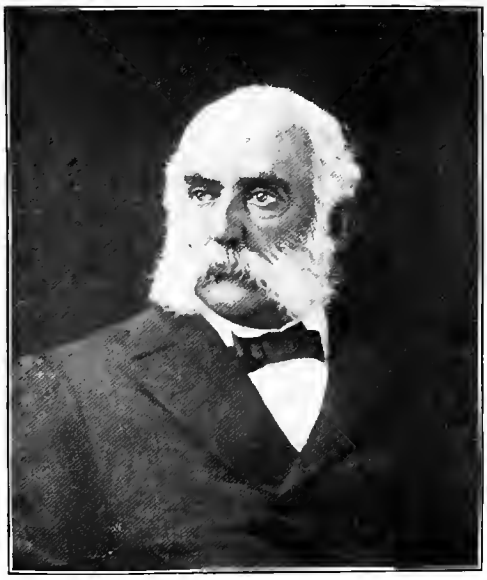


THOMAS F. GALLAGHER.

office in Lynn, where his excellent legal ability and conscientious devotion to his profession gained prompt recognition. In December, 1881, he settled permanently in Fitchburg, Mass., where he has since resided. For one year from September, 1886, Judge Gallagher was associated in business with the late John W. Walsh, whose death dissolved the firm. During the remainder of his professional career he has practiced alone. In 1883 and 1884 he served as clerk *pro tem.* of the Fitchburg Police Court.

In May, 1892, Mr. Gallagher was appointed judge of the Fitchburg Police Court, succeeding Judge Thornton K. Ware, removed by death; in this position Mr. Gallagher has served since with commendable efficiency.

AUGUSTUS LORD SOULE, who was for many years an honored member of the Hampden county bar, was born in the village of Exeter, N. H., and died August 25, 1887. He was a son of Dr. Gideon Soule, who was many years principal of Phillips Academy in Exeter, in which institution the son was fitted for college. Entering Harvard in the class of 1846 in its sophomore year, he graduated with credit and with such men as George F. Hoar, Charles Eliot



AUGUSTUS L. SOULE.

Norton and Prof. Francis J. Child. Harvard Law School was then under the direction of Chief Justice Joel Parker, Theophilus Parsons, and other noted instructors and young Soule began his law studies there. From there he went to Springfield, continued study in the office of George Walker, and was admitted to the bar in 1849. He began practice in Chicopee, but after two years of activity in that village he settled in Springfield as partner with Timothy G. Pelton, who was admitted one year earlier than himself. A few years later Mr. Pelton went to New York and Mr. Soule continued alone until 1860, in which year he formed a fortunate business connection with John Wells, then a leading member of the Hampden bar and a man of sterling qualities. This partnership continued until Mr. Wells was appointed to the Supreme Judicial Court of Massachusetts in 1866, the firm being meanwhile entrusted with many very important cases. In the celebrated case of the Grover & Baker, the Wheeler & Wilson, and the Singer Sewing Machine Companies, in combination against the Florence Machine Company for infringement of patents, this firm was retained for the defendant. The damages claimed amounted to hundreds of thousands of dollars, with a large claim in off-set by the Florence Company. The case went to the United States Supreme Court and ultimately was decided for the defendants with the allowance of about eighty thousand dollars of their claim for off-set. This was the beginning of a patent practice which continued to increase in magnitude and profit to the firm until Mr. Soule went upon the bench.

In 1870 Mr. Soule formed a partnership with E. H. Lathrop, which continued until 1875, after which the late Judge Buckland, of Holyoke, was Mr. Soule's partner for a short time. In March, 1877, Governor Rice appointed Mr. Soule a judge on the Supreme bench. The salary attaching to this honorable office was $6,000, but in the spring of 1881, when the Boston and Albany Railroad Company created a law department, Judge Soule was invited to become its head at a salary of $9,000; he accepted the position, as he felt impelled to do for the future provision for his family. He removed to Boston and there opened an office. The business of the railroad corporation soon absorbed all of his time and he relinquished general practice. He was thus occupied at the time of his death.

Judge Soule had little taste and was not fitted for activity in the political field, in the popular sense; he represented the city in the Legislature in 1873, and was a candidate in the Congressional Convention of 1876 that nominated George D. Robinson. He possessed literary attainments of a high order and was a thorough student of the classics. As a speaker

he was impressive in his earnestness, exact in his statements, but lacked the personal magnetism that sways large audiences. It was written of him at the time of his death by one who knew him well that "he loved the law, he was fitted for the law, and to it he clung to the exclusion of pretty much all else. He never took the public into his confidence. To most men he appeared haughty and distant, if not positively brusque; to his most intimate friends alone did he throw off the cloak of reserve and appear the warm-hearted, high-bred, genial and sturdy friend, ready for a good-natured contest of repartee, enlivened by the fittest word of Horace or some English classic. The workings of his mind were quick, accurate, and penetrating, but his manner chilled a jury. His arguments were thorough, logical and profound. They rarely failed to convince the learned judges, but they seldom impressed the twelve men in the jury box. . . . He could not bring himself into complete sympathy with them. They were to him the strange public. He could not wear his heart upon his sleeve even for a moment. He disdained tricks or artifice to catch their favor. So he argued his cases coldly, exactly, thoroughly, always as if to a bench of judges, never as if to ordinary or unlettered men. And yet among his friends he would instantly unbend and become one of the jolliest and wittiest of the company."

Judge Soule possessed a mind of large calibre and extreme keenness. He was studious by nature and by habit. His early practice was largely in the office, giving him ample opportunity for equipment with legal knowledge. The activity and directness of his mind was evinced in his published opinions; which, while seldom long, and possibly failing to disclose great research, give clearly and concisely the decision and its reasons. He performed his judicial labors with comparative ease, and doubtless it was in that capacity that he found his greatest material satisfaction.

AMASA NORCROSS, A. M., of Fitchburg, Mass., was born in Rindge, N. H., January 26, 1824. His father, Daniel Norcross, was a farmer in New Hampshire, and was the grandson of Jeremiah Norcross, the immigrant ancestor of the family, who arrived in this country in the year 1642, and settled at Watertown, Mass. Daniel Norcross was a man of sterling integrity, a large landholder, and the incumbent of many offices of honor and trust. His wife, Mary Jones, was also a native of New Hampshire.

Amasa Norcross received an excellent academic education, first in the academy of his native town, and subsequently in a similar



AMASA NORCROSS.

institution in New Ipswich, N. H. Selecting the profession of law for the life exercise of his talents and energies, in 1844 he became a student in the office of the Hon. Nathaniel Wood, of Fitchburg, and in 1847 was admitted to the bar. From that time forward he pursued his professional labors in Fitchburg, and for many years was a recognized leader of the legal fraternity in that section of the State.

In 1858, 1859 and 1862 Mr. Norcross was a member of the Massachusetts House of Representatives, having been elected thereto on

the Republican ticket. In 1858 he was a member of the committee of probate and chancery, of which Governor Andrew, then a member of the House, was chairman; and in 1859 and 1862 he was a member of the judiciary committee. In August of the last named year he was appointed by President Lincoln, United States assessor for the Ninth Congressional district of Massachusetts. The district was large, comprising seventy-two townships. He filled the office with signal ability and satisfaction for ten years, and until the office of assessor was abolished by act of Congress. In 1862 the authorities of Dartmouth College conferred upon him the degree of Master of Arts.

In the session of 1859, Mr. Norcross was appointed a member of the joint committee of the Senate and House of Representatives to examine and amend the report of the commissioners appointed to codify the laws of the State. He gave to this work his entire attention for several months, when report was made by the committee to the adjourned session of the Legislature, held in the autumn of that year. Upon this committee were several distinguished lawyers, among whom were Gen. Caleb Cushing and Gen. Benjamin F. Butler. In 1874 he was a member of the Massachusetts Senate and chairman of the judiciary committee of that body. He was also chairman of the committee on Federal relations. To him was assigned the honor of drafting the report which recommended rescinding the resolutions of censure upon Charles Sumner which had been passed by the Legislature of Massachusetts. Previous efforts to relieve that distinguished statesman from that burden had failed; this succeeded. The rescinding resolutions reached Senator Sumner at Washington a few days before his death, and doubtless contributed materially to soothe his last hours.

In the fall of 1876 Mr. Norcross was elected representative to Congress on the Republican ticket, over his political opponent, S. O. Lamb, of Greenfield. In 1878 he was elected a second time over the candidates of two political parties, and was again elected in 1880. In the several conventions resulting in his nomination and election he was always supported by the better elements in his party.

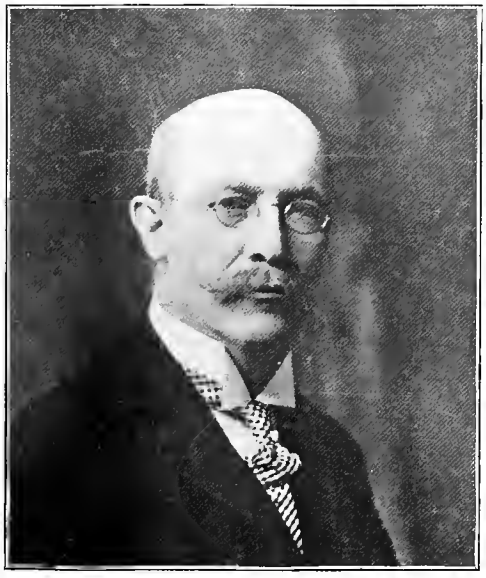
Local affairs always received a proportionate share of Mr. Norcross's attention. On the organization of the city of Fitchburg, in 1873, he received the honor of first election to the mayoralty of the new city. He was re-elected the following year. In the administration of its affairs his executive ability was marked. He was a director in the Rollstone National Bank of Fitchburg, Worcester North Savings Institution and in the Fitchburg Fire Insurance Company.

The interest of Mr. Norcross in benevolent and educational institutions was always deep and constant, and he accomplished much for their advancement. He took an active part in organizing the Fitchburg Benevolent Union, was its first president and one of its life members. For many years he was a trustee of the Lawrence Academy at Groton, Mass. By act of the Legislature of Massachusetts he was made one of the original members of the corporation known as Cushing Academy, located at Ashburnham, and by the same act was designated as the member authorized to call the first meeting of the trustees. He contributed largely to the organizing and building up of this now flourishing academy. For more than thirty years the labors of Mr. Norcross connected with his large legal practice were arduous and continuous.

In June, 1852, he was married to S. Augusta, daughter of Benjamin and Rebecca Wallis, of Ashby, Mass. She died March 4, 1869. Mr. Norcross died April 1, 1898.

JOHN SEWELL GOULD, Worcester, the youngest son and only surviving child of Lucius A. and Sarah Ward (Piper) Gould, was born in Weston, Windsor county, Vt., December 2, 1856. He is descended in the eighth generation from Zaccheus Gould, of Hemelhempstead in Buckinghamshire, England, who

came to America about 1638 and settled in that part of Salem that is now Topsfield, Mass., where he died, being a large landowner and one of the first to interest himself in the iron industry of this country. Back of him the Gould lineage in England is traced some five generations, or to about 1455. Mr. Gould's great-grandfather, Oliver Gould, of Rindge (now East Jaffrey), N. H., served in the war of the Revolution and especially in the expedition against Ticonderoga. His grandfather,



JOHN S. GOULD.

Sewell Gould, son of Oliver, was born in 1776, lived in East Jaffrey, N. H., and died in 1826. On his mother's side he is also of English descent, her ancestors being traceable to the time of the War of the Roses. Coming to America they first settled in Massachusetts and finally in Weston, Vt., where she was born, the daughter of John and Betsey (Reed) Piper. She died July 7, 1873. Lucius A. Gould, her husband, and the father of the subject of this article, was born in East Jaffrey, N. H., in 1821, moved to Weston, Vt., in 1848, at the time of his marriage, served in the Vermont Legislature, and died in Webster, Mass., April 16, 1890. For many years he was superintendent of the Keystone Bridge Company of Pittsburg, Pa.

John S. Gould attended the public schools of his native town until he reached the age of nine, when he removed with the family to Pittsburg, Pa. There he attended the public and private schools for several years, acquiring a good practical education, and laying the foundation upon which he has built a successful career. When nineteen he returned east and in 1880 entered the Boston University Law School, from which he was graduated with the degree of LL.B. in 1883. During a portion of 1881 and 1882 he continued his legal studies in the office of Hon. Gilman Marston, of Exeter, N. H., and was admitted to the Suffolk bar in Boston in January, 1884. Ill health, which had, since his return east, interfered with his studies, now practically incapaciated him and he was compelled to delay the work for which he had fitted himself. In November, 1887, having partially recovered, he opened an office in Webster, Worcester county, Mass., and began the active practice of his profession. He soon had a successful business. As a Republican he also took an active part in politics, serving as a member of the Republican Town Committee and for three years as a member of the Webster School Board, of which he was one year chairman. He also acted as counsel for the town, a relation he still maintains, and was counsel for the First National Bank of Webster and for the Webster Five Cent Savings Bank.

On the 1st of July, 1897, Mr. Gould removed his office and residence to Worcester, where he has increased the reputation he had already established, and where he has won high rank among his associates. He has from the first devoted himself to a general law practice, which has developed largely in the line of equity, probate, and real estate causes. One of his most noteworthy cases is that of H. N. Slater vs. John Gunn et al., 170 Mass., 509, which involved the construction of the colonial ordinances of 1641 and 1647. In this case questions of law, of great practical impor-

tance, not previously adjudicated in Massachusetts, regarding the rights of the public in land lying adjacent to great ponds were raised and settled. This case, in which Mr. Gould appeared for the defendants, attracted wide attention, and won for him additional recognition as a lawyer of marked ability and skill. He is a public spirited citizen, a member of the Congregational church, a wise counselor, a strong advocate, and a man of energy and character, enjoying the respect and confidence of the entire community.

Mr. Gould was married November 6, 1889, to Ida May Holt, daughter of Reuben L. and Sarah Dodge (Farnum) Holt, of Boston, Mass. She died October 8, 1893, leaving one son, Charles Holt Gould, born the same day. September 12, 1895, Mr. Gould was married to Mary A., daughter of William and Margaret (Rankine) Warren, of Hubbardston, Mass. They have one daughter, Sarah Ward Gould, born December 8, 1896.

JAMES ARTHUR STILES, a prominent attorney of Gardner, Mass., and partner with Edward P. Pierce, of Fitchburg, was born in the latter city September 1, 1855. His father is James F. Stiles, a merchant in Fitchburg of fifty years standing; his mother was Ann Maria Works, of Fitchburg. They had two children, the subject, and Walter F. Stiles, who is treasurer and manager of the Orswell Mills and the Nockogie Mills in Fitchburg.

James A. Stiles was graduated from the high school in Fitchburg and entered Harvard in the fall of 1873, graduating in June, 1877, with the degree of A. B. He began his law study in the office of Torrey & Bailey, in Fitchburg, and was admitted to the bar in June, 1880. From that time to April, 1882, in order to further fit himself for professional life, he continued study in the office of Edward P. Pierce, in Fitchburg, and on the date last named formed the law partnership which has continued down to the present time.

Mr. Stiles is a Republican, but has little political aspiration, and has adhered closely to his large professional business. Aside from serving on the Republican Town Committee he has held no public office. In the fall of 1898 he was candidate for district attorney for the Middle district but failed of the nomination by a remarkably close vote.

Mr. Stiles has become interested in business affairs outside of his profession and is now treasurer of the Gardner Gas, Fuel and Light



JAMES A. STILES.

Company, the Gardner Co-operative Bank, the Gardner Electric Street Railway Company, the Gardner, Westminster and Fitchburg Street Railway Company, second vice-president of Gardner Home for Elderly People, vice-president of the Levi Haywood Memorial Library Association, and first special justice for the First District Court of Northern Worcester. He is counsel for all these institutions. Mr. Stiles's legal ability, his industry and zeal in the interests of his clients, and his public spirit in promoting the prosperity of the city in which he lives, are fully recognized by the community.

Mr. Stiles was married June 9, 1887, to Mary Lizzie Emerson, of Claremont, N. H.,

daughter of John T. and Mary (Whitney) Emerson. She died May 18, 1888. He married, second, on August 1, 1895, Alice Levina Bent, of Gardner, daughter of Charles O. Bent. He has one son by the first wife, John Emerson Stiles, and a daughter, Elizabeth, by the second wife.

HUGO ADELARD DUBUQUE, member of the bar of Bristol county, Mass., was born in Canada, November 3, 1854, and is a son of Moise and Esther (Mathieu) Dubuque. His granduncle was founder of Dubuque, Iowa, which city took his name. His father was one of the early explorers and pioneers of what was then the far west, living in California and Montana from 1840 to 1850; he died in St. Louis, Mo., while on his return from a journey to Montana in 1865.



HUGO A. DUBUQUE.

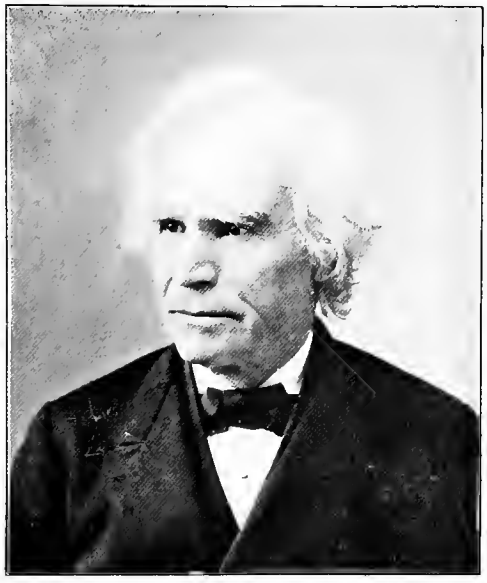
Hugo A. Dubuque obtained his preparatory education in the common schools and was graduated from the College of St. Hyacinthe, P. Q., in the class of 1870. In the same year he went to Troy where he was employed a few months in a shoe store, and in the fall of that year settled permanently in Fall River. During about three years' employment as clerk in a grocery and drug store he applied himself diligently to study in preparation for entering the Boston University Law School, in which institution he finished the full course and graduated in 1877, with the degree of LL.B. He was admitted to the Bristol county bar in the same year and began the practice of his profession in Fall River, where he has since won the foremost position as an attorney of French descent and the confidence and esteem of the community at large. He has served as honorary president of the Cercle Salaberry, a literary society, and of the Ligue des Patriotes, a benevolent organization. He is an active Republican and possesses large influence, particularly among the numerous families in Fall River of his own nationality, whose advancement in education, morality and industry has always received his solicitous watchfulness.

He served as a member of the School Board from 1883 to 1889 and in the latter year he was in the State Legislature. To this office he was again chosen in 1897 and 1898, serving three years as a member of the committee on the judiciary. He is the author of the so-called Dubuque law, a measure of almost startling import, the working of which is awaited with deep interest throughout the State. Its purpose is to facilitate the collection of debts, and authorize the courts to inquire into a man's circumstances and income, and to order him to pay according thereto. Mr. Dubuque is author also of a "Historical Sketch of French Canadians," and of an article on the same subject in the French language in the "Guide Canadien Francais" in Fall River.

On May 15, 1881, Mr. Dubuque was married to Anna M., daughter of William and Abbie (Maley) Coughlin, of Fall River. They have three daughters.

SAMUEL TOBEY FIELD, one of the oldest attorneys of Franklin county, Mass., and a resident of Sherburne Falls, was born in

Hawley, Franklin county, April 20, 1820. The family is descended from English ancestry, three immigrants of the name coming over early in the history of this country. Samuel T. Field fitted for college at Easthampton,



SAMUEL T. FIELD.

Mass., and was graduated from Williams College in 1848, with high honors in mathematics. After about eight months of law study in Greenfield, Franklin county, Mass., he taught in an academy in New Jersey two years. This was followed by a short period of teaching in a select school in Heath, Franklin county, at the conclusion of which he entered Yale Law School. Six months later he was admitted to the bar through an examination and at once opened an office in Shelburne Falls which has ever since been his home. For nearly half a century past Mr. Field has been prominent in the Franklin county bar and will soon lay down the burdens of a career that has been honorable and successful.

Mr. Field is a Republican and his worth has been recognized in the councils of his party. He served six years on the School Committee, was in the lower house of the State Legislature in 1855 and again in 1868, and was district attorney in the district comprising Franklin and Hampden county three years. He is now president of the board of trustees of Arms Academy in Shelburne Falls, a trustee of Arms Library, and was formerly one of the directors of the Shelburne Falls National Bank. In these various positions he has acquitted himself in a worthy and efficient manner.

Mr. Field was married in 1856 to Mrs. Sarah Smith, daughter of Dea. Nathaniel Lamson, of Shelburne Falls. She died in February, 1871. He married, second, in June, 1873, Mrs. Susan E. (Smith) Loomis. There were eight children by the first wife.

HENRY MERVIN PUFFER, attorney of Shelburne Falls, Franklin county, Mass., was born in Coleraine, Mass., on January 1, 1835. He is a son of Dr. Chenery Puffer, a native of Sudbury, a graduate of Harvard Medical School, who practiced during his life in Coleraine and Shelburne Falls, and died



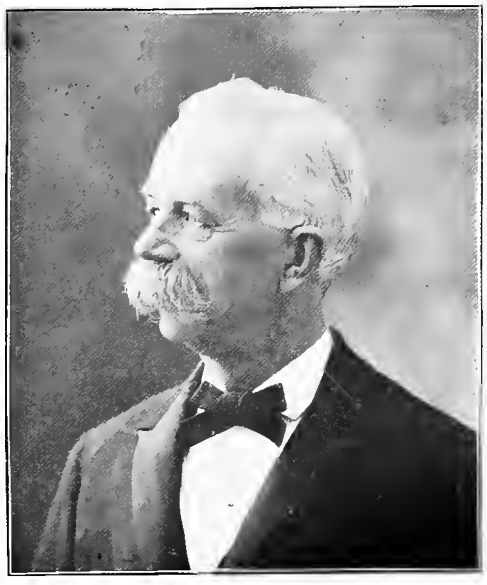
HENRY M. PUFFER.

in the latter village March 7, 1857. His wife was Lucy (Thomas) Alden, a direct descendant of John Alden, the Puritan, who came over in the Mayflower. She died in Shelburne Falls December 31, 1892.

Henry M. Puffer prepared for college at Franklin Academy in Shelburne Falls and was graduated from it in 1856. He then entered Rochester (N. Y.) University, and was graduated in 1860 with the degree of A. B. He pursued the study of law in the Albany (N. Y.) Law School, from which he graduated in 1861. He finished his study in the office of R. Ballard, in the village of Leroy, N. Y., after which he went to Chicago in the hardware business and while there put on the first Yale lock in that city. He left there in 1864 for Hilton Head, S. C., where he had charge of a large plantation one year. This was followed by a year in Elizabeth, N. J. In 1866 he married Mary E. Field, of Hudson, Mich., and in the following year he settled permanently in Shelburne Falls and was admitted to the bar. Mr. Puffer has been in active practice since and carries on an insurance and real estate business. He is well known and thoroughly respected throughout Franklin county. He is a Republican and served seven years on the town School Board, and as chief engineer four years. He is a member of Beta Phi Chapter of the D. K. E. society, and of the Baptist church.

WILLIAM HENRY FOX, attorney of Taunton and judge of the First District Court of Bristol county, is a son of Henry Hodges Fox and Sarah Ann Burt, and was born in Taunton, August 29, 1837. His grandparents on both sides trace their ancestry back to almost the first settlers in this country. Among them were Thomas Fox, who settled at Cambridge in 1637; William Hodges, settled in Boston in 1633; Kenelm Winslow, brother of Edward, settled in Plymouth in 1629; and Richard Burt, who was one of the very early settlers in Taunton in 1639. From these ancestors have sprung many reputable families among the members of which were men conspicuous for good deeds and sturdy native ability.

William H. Fox prepared himself for college mainly in the public schools and graduated from Harvard in 1858. Taking up the study of law he pursued it with ardor and was admitted to the bar in 1861. From that time to the present he has been in practice in Taunton, where his position at the bar and in the judiciary is an honorable one. In January, 1865, he was appointed justice of the Municipal Court of Taunton, and ten years later, in 1875, he received the appointment of judge of the First District Court of Bristol county, an



WILLIAM H. FOX.

office the duties of which he has discharged with ability and credit to himself ever since.

Judge Fox is a Republican and in 1873 was elected mayor of Taunton, and gave the community a vigorous and satisfactory administration. He has been a trustee of the Taunton Public Library for twenty-five years and is vice-president of the Bristol County Savings Bank. The cause of public education has had the benefit of his active interest many years and he has long served as a trustee of Wheaton Female Seminary and in a similar capacity in the direction or management of various benevolent and literary organizations. His influence in the community has always been exerted for the right and he enjoys the whole



confidence of the community. On the bench, while careful and conservative in judgment, his decisions have been prompt and effective.

RUFUS CHOATE, LL.D., Boston, stood not only at the head of the New England bar, but was one of the greatest and most eminent lawyers America has ever produced. He achieved a national reputation. So much has been written of him, and so widely has his life and character been discussed, that a sketch which the limited space in this work will admit can attempt scarcely more than the bare outlines of his remarkable career—a career which in itself has challenged the admiration of two generations, and which still exerts a powerful and exemplary influence upon the profession throughout the country.

Mr. Choate was the second son and the fourth of six children of David and Miriam (Foster) Choate, and was born on an island in the old town of Ipswich, Mass., October 1, 1799. He was descended in the fifth generation from John Choate, who was made a freeman in Massachusetts in 1667. His father, who died in 1809, was a man of uncommon intellectual endowments and "of sound and independent judgment." His mother was a quiet, cheerful, dignified woman, of strong sense and ready wit, and died in 1853 aged eighty-one.

Mr. Choate was endowed with a vigorous constitution and early developed an intense love of reading and of general knowledge. Before he was six years old he had devoured the "Pilgrim's Progress" and afterward could repeat it from memory. At the age of ten he began the study of Latin under Dr. Thomas Sewell. He had already exhausted the resources of the library in Essex, whither the family had removed from their island home, and under the subsequent instruction of Rev. Thomas Holt, William Cogswell, and Rev. Robert Crowell, he advanced rapidly in both the classical and ordinary English branches. In January, 1815, he was sent to the academy at Hampton, N. H., then under the principalship of James Adams, and in the following summer he entered the freshman class of Dartmouth College, where he spent four years. The litigation that followed the deposition from office of President John Wheelock, in which Jeremiah Mason, Daniel Webster, Jeremiah Smith, and Francis Hopkinson appeared as counsel for the college, and which lasted from 1815 to 1818, was largely instrumental in turning the mind of young Choate decisively to the legal profession. He was librarian and president of the Social Friends, one of the two literary societies at Dartmouth, and was graduated in 1819 with the valedictory. During the next year he was a tutor in the college.

In 1820 he attended a course of lectures at the Harvard Law School and in 1821 he entered the office of Hon. William Wirt, then attorney-general of the United States at Washington. Returning to Massachusetts in 1822 he continued his legal studies with Asa Andrews, of Ipswich, and Judge David Cummins, of Salem, and was admitted to the Essex bar as an attorney at the September term of the Court of Common Pleas in 1823 and as an attorney in the Supreme Judicial Court in November, 1825. In 1823 he hung up his sign in Salem, but it remained there only one night, for he removed it to Danvers, Mass., where he began active practice. Why he did this is not known. He was farther away from the courts and partly outside of the professional circles which were soon to feel his wonderful personality. But this did not prevent him from entering public life. He represented Danvers in the lower house of the Massachusetts Legislature in 1825 and in the Senate in 1827, serving with distinction and honor. In 1828 he removed to Salem, where he became the leading counsel in criminal practice. In 1830 he was nominated by the National Republicans of the Essex district as representative in Congress, and, being elected, served in that body from December, 1831, to 1834, when he re-

signed. His speeches on Revolutionary pensions and the tariff in the first session established his reputation as a parliamentary orator.

After resigning his seat in Congress, Mr. Choate moved to Boston, and here his brilliant career as a lawyer may be said to have begun.

The first six or seven years were marked by a steady growth in the profession. For fifteen years he had as his partner Francis B. Crowninshield, subsequently president of the Old Colony Railroad. In 1841 he was elected to the United States Senate to succeed Daniel Webster, who had resigned his seat to become secretary of state under President Harrison. Mr. Choate left the Senate in March, 1845, after a brilliant service there and resumed the practice of his profession in Boston. At this time he is best described in the following words recorded by one who knew him:

"Mr. Choate—whose appearance and manner were unique, whose eloquence then was as exuberant, fervid, and rich as it ever became; who, however modest for himself, was bold almost to rashness for his client; who startled court and jury by his vehemence and confounded the commonplace and routine lawyer by the novelty and brilliancy of his tactics; who, free from vulgar tricks, was yet full of surprises, and though perpetually delighting by the novelty and beauty of his argument, was yet without conceit or vanity—could not at once be fully understood and appreciated. He fairly fought his way to eminence; created the taste which he gratified; and demonstrated the possibility of almost a new variety of eloquence." [1]

As United States senator Mr. Choate was very active in the organization of the Smithsonian Institution, and in January, 1845, offered, as an amendment to the bill then before Congress, what was called the "library plan," which was adopted. He was a member of the first Board of Regents and chairman of the first library committee. On resuming practice he steadily and rapidly gained the position of leader of not only the Suffolk bar, but of the entire bar of New England, and within a few years was recognized as one of the most eminent lawyers in the country. In January, 1846, he argued before the Supreme Court at Washington the case of the boundary between Massachusetts and Rhode Island, and in March he made his celebrated defense of Albert J. Tirrell, who had been indicted for murder. In 1847 he argued the Oliver Smith will case and in 1848 the Phillips will case, and about the same time he was offered a professorship in the Harvard Law School and a seat upon the bench of the Supreme Judicial Court, but he respectfully declined both. In 1849 he dissolved partnership with Francis B. Crowninshield and took in as partner his son-in-law, Joseph M. Bell, afterward a member of General Butler's staff and judge of the Recorder's Court in New Orleans. In 1851 he tried the celebrated "Methodist church case" and the slander case of Fairchild vs. Adams, and in 1853 he was appointed attorney-general of Massachusetts by Governor Clifford. He succeeded Mr. Clifford in this office and on resigning it in 1854 was followed by the same gentleman. Meanwhile, in 1850, he had visited Europe, traveling in England, Belgium, France, Switzerland and Germany.

Mr. Choate was a leader of the Whig party, and for many years took an active part in campaign work. In 1852 he was a delegate to the Whig National Convention at Baltimore and advocated the nomination of Daniel Webster for president. In 1853 he was a member of the Massachusetts Constitutional Convention, and in 1856 he supported James Buchanan for the presidency. In 1857 he made his powerful and successful defense of Mrs. Dalton, and on May 29, 1859, he made his last argument before the full bench of the Supreme Judicial Court in the case of Gage vs. Tudor. His health had become impaired at this period, and soon afterward he sailed for Europe, accompanied by his son, but on the arrival of the steamer at Halifax, Nova Scotia, was too feeble to proceed. He landed and died in that city July 13, 1859. The sad tid-

[1] "The Works of Rufus Choate," by Samuel Gilman Brown.

ings cast a gloom over the entire country, and people of every class and section regarded his death as a national loss. His remains were brought back to Boston and interred in beautiful Mount Auburn.

The key to Mr. Choate's public life is found in two grand motives—his strong American feeling and his love of the Union.

"As a statesman, his ideas and policy had nothing narrow or sectional. They embraced the welfare of the whole country, and of every part of it. He was identified with whatever in patriotism was most generous and unselfish. In his profession he had won the love, as well as the admiration, of his brethren. He stood at the head of the New England bar; nor was there in the country an advocate whose well-earned reputation surpassed his."

His greatest power rested not merely nor chiefly upon his eloquence, but principally upon his philosophic and dialectic learning. He was one of the greatest masters of logic New England has ever produced. His learning was accurate. He was a unique creation—a great lawyer, a great jurist, a great publicist; and moreover his nature partook strongly of the poetic element. Shakespeare was his great author. His wit and humor, his command of language, were remarkable. In point of forensic advocacy he held the same relation to America that Curran held to Ireland and Erskine to Great Britain. He heard the last great argument of William Pinkney, and as an orator ranked with him as well as with Wirt, Prentiss, Ogden Hoffman, and Webster. To profound legal learning he united a boundless range of reading, reasoning powers of the highest order, and "an imagination which rose on a bold and easy wing to the highest heaven of invention." In brief he was the wizard of the court room, and ranked as "The Great American Advocate." He was an eminent Greek and Latin scholar and carried his study even into technical theology. His law library comprised about 3,000 volumes, while his private library of some 7,000 volumes was rich in English literature and learning in all its branches. He received the honorary degree of LL.D. from Yale College in 1844, from Dartmouth and Harvard in 1845, and from Amherst in 1848—honors which he bore with great modesty and dignity.

The reader who desires a deeper knowledge of the life and character of Mr. Choate is referred to "The Works of Rufus Choate, with a Memoir," in two volumes, by Samuel Gilman Brown; to the Law Reporter Vols. 22 and 25; to the Albany Law Journal Vols. 6 and 14 to 18; and to numerous other publications and periodicals. Enough has been said, however, in the foregoing sketch, to convey an idea of the man whose speeches, addresses, and lectures electrified audiences and moved courts and juries, and whose gigantic personality and consummate skill influence the profession which he adorned even forty years after his death. One incident remains to be recorded. On October 15, 1898, there was unveiled in the new court house in Boston a full-length bronze statue of Mr. Choate, by Daniel Chester French, on the front of the pedestal of which is this inscription:

Rufus Choate,
1799 1859

On the side of the pedestal are these words:

Erected by the City of Boston
with money bequeathed for the purpose by
George B. Hyde.

The orator on the occasion was the great jurist's nephew, Hon. Joseph H. Choate, of the New York bar.

Mr. Choate was married March 29, 1825, to Helen, daughter of Mills Olcott, of Hanover, N. H. Their eldest daughter married Joseph Mills Bell and the youngest became the wife of Edward Ellerton Pratt, both members of the Boston bar. Their son, Rufus Choate, jr., was admitted to the Suffolk bar in 1858 and is deceased.

HORACE EVERETT WARE, Boston, son of Dr. Jonathan and Mary Ann (Tileston) Ware, was born August 27, 1845, in

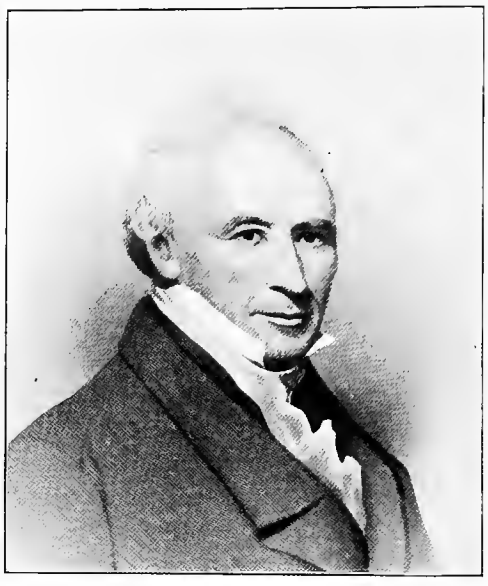
Milton, Mass., which is his legal residence. His ancestors on both sides were among the early settlers of Massachusetts, his grandfather, Paul Ware, being a Revolutionary soldier. He is a lineal descendant of Robert Ware, whose name appears on the Dedham records in 1642 as a landholder in that ancient town. His maternal grandfather, Edmund Tileston, of Dorchester, was a direct descendant of Thomas Tileston, who was one of Dorchester's early settlers. Dr. Jonathan Ware, father of Horace E., was born in Wrentham, Mass., in 1797, and practiced medicine in Milton with eminent success until his death June 6, 1877.

Born and reared in Milton near the line of Dorchester, Mr. Ware attended the Dorchester public and high schools and was graduated from the latter in 1863. The same year he entered Harvard College, from which he was graduated in 1867, holding membership in the Pi Eta society. He had already determined upon the law as a profession, and after finishing his collegiate course became a student in the office of John J. Clarke, in Boston. A few months later he entered the Harvard Law School, where he remained one year, when he went into the office of Judge William S. Leland, with whom he continued until the latter's death. He was admitted to the Suffolk bar September 15, 1869, and since has been actively engaged in general practice in Boston. He has given his attention to general civil business.

In politics Mr. Ware is a Republican. He has been somewhat active in local public affairs, serving at different times on the Republican Congressional and Town Committee of Milton, and two years as a member of the Milton School Board. In 1879 and 1880 he represented Milton in the lower house of the Massachusetts Legislature, where he served both years on the judiciary committee, and where he took an active part in promoting various important measures.

He is a member of the Sons of the American Revolution, of the Society of Colonial Wars, and of the Boston Bar Association, to which he was elected in 1876.

ARTEMAS WARD, LL.D., Boston, the first chief justice of the Court of Common Pleas for Massachusetts, was the son of Gen. Artemas Ward and a grandson of Nahum Ward, who was judge of the Worcester county Court of Common Pleas from 1745, "in which office he died May 7, 1754." General Ward was born in Shrewsbury, Mass., November 27, 1727, was graduated from Harvard College in 1748, represented Shrewsbury in the General Court, served under Abercrombie in the expedition against Ticonderoga,



ARTEMAS WARD.

became member of the Council in 1784 and later was colonel of militia. He was a member of the first Provincial Congress, which chose him as one of the three general officers to command volunteers in Massachusetts. He commanded the troops around Boston until the arrival of Washington, and continued in the service "at the request of General Washington and of the Continental Congress till the close of 1776." Though not a lawyer by profession he was a judge of the Court of Common Pleas for Worcester county from 1762 to the end of the provincial period, and in 1775 was made its chief justice, which position he filled until 1798, when he resigned. The "Shays Rebell-

ion" in 1786 offered him an opportunity for the display of not only his dignified judicial bearing, but of that resolute courage which his military experience had been the means of developing. His fearless action in this affair has been graphically described by the historian of Worcester. He was a member of the Executive Council in 1778, and in 1790 was elected to Congress. He died October 28, 1800. His wife traced her ancestry to Dr. Increase Mather.

Judge Artemas Ward, the subject of this memoir, was born in Shrewsbury on the 9th of January, 1762. He was graduated from Harvard in 1783, with Harrison Gray Otis, William Prescott, and Ambrose Spencer as classmates, and after reading law and being admitted to the bar began active practice in Weston, Mass., where he soon established an enviable reputation as an able lawyer and public spirited citizen. He held various town offices, was representative to the General Court in 1796, 1797, 1798, 1799 and 1800, and was captain of a company of light infantry (raised in Middlesex county) from September 7, 1789, to March 31, 1793, when his resignation was accepted. In 1800 his brother-in-law, Samuel Dexter, the eminent lawyer, left Charlestown to attend to high official duties in the national government at Washington, D. C., and Judge Ward removed to Charlestown and assumed his law practice. Here he also took an active part in public affairs, serving as a member of the Executive Council in 1803, 1804, 1805, 1808 and 1809. In 1810 he became a citizen and lawyer of Boston, where he lived until his death. He was a member of the General Court from Boston in 1811, and represented the Boston district in the Thirteenth and Fourteenth Congresses at Washington from March, 1813, to March, 1817, and declined a third election. He was a member of the Massachusetts Senate from Suffolk county in 1818 and 1819 and of the convention to revise the Constitution of the Commonwealth in 1820. In May, 1819, he became judge of the Court of Common Pleas of Boston, and on the abolition of that court and the establishment of the Court of Common Pleas for the Commonwealth in February, 1821, he was appointed chief justice of the latter tribunal. He filled this position with great credit and ability until 1839, when he resigned, being succeeded by John Mason Williams.

Judge Ward's career was a brilliant one, and during his entire life he sustained a reputation for learning and ability which few of his contemporaries enjoyed. When he was at the height of his practice he was invited to a seat on the bench of the Supreme Judicial Court of Massachusetts, but declined for domestic reasons. He died October 7, 1847, in Boston.

Judge Ward was a man of substantial qualities, without ostentation, devoted to the law and to his judicial duties. He sympathized with the Federals and afterward with the Whigs, and had much anti-slavery feeling, being interested in the cause in its early days, before it had grown popular and its advocates had become a political power. His inflexible regard for justice was a distinguishing characteristic, and was manifested in his professional career, in his political course, and in his judicial service. In every position, private and public, he showed the same unswerving purpose of rectitude and reverence for the right. Hon. Richard Fletcher, in offering resolutions at a meeting of the Suffolk bar, held October 8, 1847, said of him:

"He had reached an advanced age, and his long life had been usefully and honorably spent. As a man, in all the relations of domestic and social life, he sustained a most exemplary and elevated character. As a member of our national legislature, his duties were faithfully and ably performed. As a lawyer he acquired and maintained a high rank. But it is in his judicial character that he is most known and more particularly remembered by the present members of the bar. He came to the bench as chief justice of the Court of Common Pleas under its present organization in 1821. It will, I presume, be univer-

sally admitted that he was eminently qualified for that office. He had a matured and established character. He had ample store of legal learning and habits of business admirably adapted to the great amount of details in the business of his court. He had great patience and equanimity of temper—qualities of great value in any station of life, but essential to a judge. His conduct on the bench was marked by uniform courtesy and kindness—crowning qualities of any judge of any court, without which any judge of any court must lose most of his dignity and much of his usefulness."

The following were among the resolutions adopted at this meeting:

"*Resolved*, That this bar would honor his memory as well for his great worth as a man as for the distinguished ability, learning, integrity, patience and fidelity with which, for a long course of years, he discharged the important duties of his judicial station.

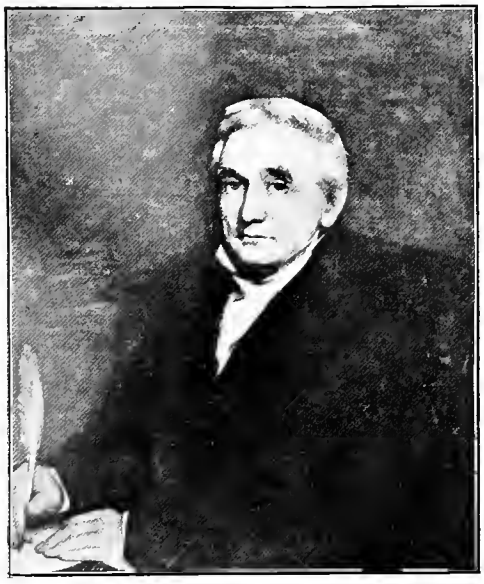
"*Resolved*, That the members of this bar hold in grateful remembrance the courtesy and kindness which on the bench he uniformly extended to them in the performance of their professional labors."

Judge Ward was a member of the Board of Overseers of Harvard College from 1810 to 1844, and received from that institution the degree of A. M. in course and the honorary degree of LL.D. in 1842. He was married January 14, 1788, to Catherine Maria, daughter of Hon. Samuel Dexter, of Weston, Mass., and sister of Samuel Dexter, the distinguished lawyer. She was descended from Richard Dexter of Boston as early as 1641, through (2) John Dexter, of Malden; (3) John Dexter and Winnifred Sprague, of Malden; and (4) Rev. Samuel Dexter and Catherine Mears, of Dedham. Her father, Samuel Dexter (5), a merchant and in 1775 a judge of the Suffolk county Court of Common Pleas, was a member of the first Provincial Congress, of the Supreme Executive Council during the Revolution, and of the Massachusetts Legislature, and the founder of the Dexter Professorship of Sacred Literature at Harvard. He married Hannah, daughter of Andrew and Mary Sigourney and a descendant of Andre Sigourney, who came from Rochelle, France, after the revocation of the Edict of Nantes. Judge Ward had seven children, the last survivor of whom died in 1881.

SAMUEL PUTNAM, LL.D., Salem and Boston, associate justice of the Supreme Judicial Court of Massachusetts from 1814 to 1842, was a lineal descendant in the sixth generation of John Putnam, who came from Aston Abbotts, County Bucks, England, and settled in Salem, Mass., before 1634. Nathaniel Putnam, son of John, died in Salem in 1700, leaving a son, Benjamin, who was a lieutenant and captain in the militia and a prominent citizen in public and private life. Tarrant Putnam, son of Benjamin, was born in Salem, married Elizabeth Bacon, and had a son, Gideon, who was born there in 1726. Gideon Putnam was a third cousin of Gen. Israel Putnam, and became a leading merchant of Danvers, Mass., where the subject of this memoir was born. He married Hannah, daughter of Abraham and Jerusha (Raymond) Browne of Beverly, Mass.

Judge Putnam was the only one of the ten children of Gideon and Hannah (Browne) Putnam who attained maturity. He was born in Danvers, Mass., April 13, 1768. In early life he experienced very delicate health, and it was only by the exercise of the greatest care that he gained sufficient strength to enable him to prosecute his studies. He attended the public schools of Danvers, and when ten years old entered the Phillips Andover Academy, where he fitted himself for college. He was graduated from Harvard in 1787, in the class with John Quincy Adams, and subsequently read law in Newburyport, Mass. His father had destined him for a teacher, but his ambition and natural qualifications inclined him towards a legal career, and with this end in view he took up his law studies with an energy and thoroughness that characterized his entire life.

Admitted to the Essex bar in 1790, he entered upon the active practice of his profession in Salem, where he soon gained a large and profitable clientage. No advocate of the time is understood to have been better versed than he in the principles of the common law. He had a peculiar skill and fame in the branches relating to mercantile and commercial jurisprudence, which was a rare reputation at that period, and on one occasion the great Samuel



SAMUEL PUTNAM.

Dexter, in an important case, sent his client to Mr. Putnam as the proper man to consult in the early school of the law in Massachusetts.

On the death of Chief Justice Samuel Sewall, in 1814, Governor Strong appointed Mr. Putnam as associate justice of the Massachusetts Supreme Judicial Court, and he continued to serve in that capacity for twenty-eight years, resigning in 1842 in the full power of his intellectual vigor, and with a most honorable record on the bench. His decisions were praised by the most learned jurists. As late as 1885 Lord Esher, in pronouncing the judgment of the Court of Appeals of England in an important commercial case, said: "The first case to be dealt with is the American case of Brooks vs. the Oriental Insurance Co. It came before a judge whose decisions I have often read with admiration, and from whom I certainly have received great assistance—Mr. Justice Putnam."

Judge Putnam was fearless and independent in his decisions, as he had been in the ordinary practice of the law. His opinions were sound, sober, and practical, full of justice, and logical and positive. Judge Story, one of Judge Putnam's students, dedicated one of his law books to his former teacher with a high tribute to his sagacity, knowledge, and unspotted integrity.

In politics Judge Putnam was in early life a prominent and influential factor. He represented Essex county in the Massachusetts Senate in 1808, 1809, 1813 and 1814, and Salem in the lower house of the Legislature in 1812, serving with great credit and satisfaction. After his elevation to the bench he withdrew entirely from political affairs, but continued to exercise the legitimate functions of a public spirited and patriotic citizen until his death, which occurred in Somerville, Mass., July 3, 1853. He always took a deep interest in the village of Danvers, where he had his summer home, and also in the history of the Putnam family, to which he contributed many interesting facts. In 1825 Harvard College conferred on him the honorary degree of LL.D.

Judge Putnam was married October 28, 1795, to Sarah, daughter of John and Lois (Pickering) Gooll, of Salem, Mass. She was born November 28, 1772, and died November 22, 1864. Their children were Samuel Raymond, Hannah (Mrs. Thomas P. Bancroft), Louisa (Mrs. Joseph Augustus Peabody), Mary Ann (Mrs. Charles Greely Loring), Charles Gideon, Elizabeth Cabot (Mrs. John Amory Lowell), Sarah Gooll (Mrs. Francis B. Crowninshield), and John Pickering. Of these, Mary Ann, born August 20, 1803, died April 10, 1845, was the second wife of Hon. Charles Greely Loring, LL.D., whose memoir appears in this work. Elizabeth Smith Peabody, the eldest child and daughter of Joseph Augustus and Louisa (Putnam) Peabody, was born July 31, 1822, and died December 13, 1869. She

was married January 15, 1845, to Caleb William Loring (son of Hon. Charles Greely Loring), whose memoir also appears in this work. William Caleb Loring, their son, was appointed associate justice of the Supreme Judicial Court on September 6, 1899. Samuel Raymond Putnam, the eldest of the judge's family, was married in 1832 to Mary Traill Spence Lowell, daughter of Rev. Charles Lowell, and the well known authoress of "Records of an Obscure Man" (1861), "The Tragedy of Errors" and "The Tragedy of Success" (1862), "Fifteen Days" (1866), and "Memoirs of William Lowell Putnam and Rev. Charles Lowell" (1862 and 1865).

CHARLES SUMNER, LL.D., Boston, was the eldest of nine children, and was born in the West End of Boston, Mass., January 6, 1811. His twin sister, Matilda, died in 1832, at the age of twenty-one. William Sumner, the founder of the family in America, came from England with his wife, Mary, and three sons, about 1635, and settled at Dorchester in the Colony of Massachusetts Bay. There and in Milton the Sumners were farmers for two centuries. Job Sumner, the grandfather of Charles, was a freshman at Harvard College when the alarm of Lexington was sounded, and at once joined the Continental army at Cambridge as an ensign. He served until the close of the war, being mustered out a major, and in 1785 Congress commissioned him to adjust the accounts between the Confederation and Georgia, where he spent the last years of his life. Charles Pinckney Sumner, son of Major Job and father of the subject of this memoir, was graduated from Harvard in 1796, read law with Josiah Quincy, and practiced with indifferent success until 1819, when he was made deputy sheriff of Suffolk county. In 1825 he was appointed high sheriff and served nearly fourteen years, or until shortly before his death, which occurred April 24, 1839. He was married April 25, 1810, to Relief Jacob, of Hanover, Mass., a woman of sterling good sense, of a cheerful temper, and of splendid physical health. Though his father was ever courageous, brave, and unflinching in the face of danger, with strong convictions, especially in the cause of abolition, yet it is to his mother's great force of character and intellectual vigor that Charles Sumner owed his chief success in life.

Charles Sumner attended a private school and later the Boston Latin School, where he won prizes for Greek and Latin translations in 1824 and 1826. He was strong in the classics, but weak in mathematics, and developed a passion for *belles lettres* which lasted him through life. At the age of fifteen he entered Harvard College, where, in his senior year, he took the second Bowdoin prize for composition, and was graduated in 1830. In April, 1831,



CHARLES SUMNER.

he took the prize offered by the Boston Society for the Diffusion of Useful Knowledge for an essay on commerce. At Harvard he was a member of the Hasty Pudding Club, and among his classmates were Rev. Samuel H. Emery, Judge Elias R. Potter, Charlemagne Tower, George W. Warren, and Hon. Samuel T. Worcester. Mr. Sumner received the honorary degree of LL.D. from Yale University

and Amherst College in 1856 and from Harvard in 1859.

Soon after leaving college Mr. Sumner began his legal studies, which he pursued under Judge Joseph Story, Prof. John Hooker Ashmun, and Prof. Simon Greenleaf, from whom he gained not only the knowledge but the inspiration which developed him into a lawyer and statesman of national prominence. He was graduated from the Harvard Law School with the degree of LL.B. in 1834, having been librarian of the law library during his last year there. About this time he also began to write for the American Jurist and the American Monthly Review, and he competed for and won another Bowdoin prize. He completed his legal preparation in the office of Benjamin Rand, of Boston, and in attending the sessions of the United States Supreme Court at Washington, and was admitted to the bar in September, 1834. He at once began active practice in Boston, and in November of that year formed a copartnership with George S. Hilliard. In January, 1835, he also began to lecture in the law school in Cambridge, filling occasionally the place of Judge Story, and shortly afterward the latter appointed Sumner the reporter of his Circuit Court opinions. Three volumes of Story's opinions were published by Sumner—in 1836, 1837, and 1841 respectively. In 1835 Judge Story also appointed him a commissioner of the United States Circuit Court. With Mr. Hilliard and Luther S. Cushing he became an editor of the American Jurist in April, 1836, and he also assisted Professor Greenleaf in the preparation of the general digest of his "Reports and Decisions of the Supreme Court of Maine" and Andrew Dunlap in the final revision of his "Admiralty Practice." And besides all this, there was developing in his brilliant mind a reform which was destined to make him a national figure in its advocacy. This was the anti-slavery cause.

In 1838 he went to Europe, where he remained nearly two and one-half years, visiting England, France, Italy, Germany, and other countries. On his return in May, 1840, he resumed the practice of his profession in Boston, and from this time forward rapidly rose to eminence in both the law and in public life. He was indefatigable in promoting all worthy public enterprises, and especially those reforms which promised universal freedom and educational advancement. In 1845 he delivered the annual Fourth of July oration before the municipal authorities of Boston, which placed him at once among the ablest speakers of the day. He was now in the midst of the anti-slavery movement, and one of its recognized leaders. He made his political debut on November 4, 1845, at a mass meeting in Faneuil Hall, Boston, to protest against the admission of Texas with her slave constitution into the Union. On August 27, 1846, he delivered his memorable Phi Beta Kappa oration at Cambridge on "The Scholar, the Jurist, the Artist, the Philanthropist," which was a tribute to John Pickering, Joseph Story, Washington Allston, and William Ellery Channing.

His political career was an active one. He affiliated first with the Whigs, but in 1848 became one of the founders of the Free Soil party in Massachusetts, and on August 22 presided over a meeting held in Faneuil Hall to ratify the nominations of the Buffalo convention. In 1851 the Legislature, after balloting from January 14 to April 24, chose him United States senator to succeed Daniel Webster, and in that body he became one of the most distinguished men of the time. With so many books relating more or less to the public life of Charles Sumner in existence it seems unnecessary, as it is impracticable, to follow his career in detail. The essential facts are already familiar. From the time he took his seat in the Senate at Washington on December 1, 1851, until his death in 1874 his voice was strong and clear on the side of the anti-slavery cause. His first speech, on "Freedom National; Slavery Sectional," burst on the country like an August storm. Then came the repeal of the Missouri Compromise, the Kansas-Nebraska bill, and almost incessant attacks on the slave

power, in all of which he was the leader. So eloquently and ably did he act the part of the defender of humanity that his position in Washington was one of constant peril. In May, 1856, he delivered his celebrated philippic, "Crime Against Kansas." Two days afterward, while sitting at his desk in the Senate, he was brutally assaulted by Preston S. Brooks, a member of Congress, of South Carolina, and a nephew of Senator Butler, Mr. Sumner's old enemy. There were associated with Brooks in this crime Lawrence M. Keitt, of South Carolina, and Henry A. Edmunson, of Virginia, both members of Congress.

In January, 1857, Mr. Sumner was selected United States senator, practically without opposition, and on March 4 was sworn in, but three days later sailed for Europe, where he remained two years, his vacant seat in the Senate being a silent but powerful protest on the part of Massachusetts against the blow that had been struck at her through him. In December, 1859, he again took up his work in Washington, and on June 4, 1860, he delivered another terrible philippic, entitled "The Barbarism of Slavery." He was unceasing in his efforts to bring about emancipation, loyal and active in the Union cause, and as the head of the Senate committeee on foreign relations rendered inestimable service to the country and to the cause of freedom. During the reconstruction period he was also one of the ablest men in the government. But his last years were embittered by domestic trouble and by a resolution passed by the Massachusetts Legislature censuring him because of his Battle-flag bill; this wretched act, however, was rescinded shortly before his death, which occurred at Washington on the 11th of March, 1874.

Mr. Sumner was married October 17, 1866, to Mrs. Alice Hooper (*nee* Mason), widow of Sturgis Hooper and daughter of Jonathan Mason, of Boston, from whom he was divorced May 10, 1873.

Besides his literary work already mentioned he edited, jointly with Jonathan C. Perkins, "Vesey's Chancery Reports" in twenty volumes, and among his other noted speeches were "The True Grandeur of Nations," "Fame and Glory," "White Slavery in the Barbary States," "Law of Human Progress," "Finger-Point from Plymouth Rock," "Landmark of Freedom," "The Anti-Slavery Enterprise," "Position and Duties of the Merchant," "Our Foreign Relations," "Eulogy on Abraham Lincoln," and "Our Claims on England." Collections of his public speeches were published in two volumes in 1850 and 1856.

Mr. Sumner's public life is his enduring monument. He was the soul of truth. There was no secrecy in his nature. He was devoted to liberty, and in the cause of liberty he was apostle, martyr, and finally conqueror.

"One language held his heart and lip,
Straight onward to his goal he trod,
And proved the highest statesmanship
Obedience to the voice of God.

. . . . . .

"For there was nothing base or small
Or craven in his soul's broad plan;
Forgiving all things personal,
He hated only wrong to man.

"The old traditions of his State,
The memories of her great and good,
Took from his life a fresher date,
And in himself embodied stood.

. . . . . .

"O State so passing rich before,
Who now shall doubt thy highest claim?
The world that counts thy jewels o'er
Shall longest pause at SUMNER's name!" [1]

ALBERT ENOCH PILLSBURY, A. M., Boston, attorney-general of Massachusetts in 1891, 1892 and 1893, is the son of Josiah Webster Pillsbury and Elizabeth Dinsmoor, and was born in Milford, N. H., August 19, 1849. He is a descendant in the seventh generation from William Pillsbury, who came from Leek, on the border of Staffordshire and Derbyshire, England, and settled in Old Newbury, now the city of Newburyport, Mass., in 1641. Here William and several generations

[1] John Greenleaf Whittier.

of his descendants lived and died, and here also stood the historic Pillsbury house, which was built by Daniel "Pilsbery" in 1699–1700, and which was burned in 1891, being at that time one of the oldest buildings in Newburyport. Parker Pillsbury, the great-grandfather of Albert E., was a soldier of the Revolution. His father, Josiah Webster Pillsbury, of the sixth generation from the original William, was graduated from Dartmouth College in 1840, and on account of his health was forced to abandon his intention of studying for a professional career and devote himself to the occupation of a farmer. His wife, Elizabeth Dinsmoor, was descended from John Barnet and John Dinsmoor, two of the original Scotch settlers of Londonderry and Windham, N. H., the latter town being her birthplace. The two Samuel Dinsmoors, father and son, who were successive governors of New Hampshire, were her uncle and cousin, and Robert Dinsmoor, the "Rustic Bard," whose Scotch dialect poems have recently been reprinted, was another uncle. Three brothers of Josiah W. Pillsbury became prominent in State and national affairs, namely: Parker Pillsbury, the well-known abolition agitator and orator, who died in July, 1898; Hon. Oliver Pillsbury, for many years insurance commissioner of the State of New Hampshire; and Hon. Gilbert Pillsbury, commissioner of the Freedmen's Bureau for South Carolina and the first mayor of Charleston after it was recaptured by the Union army.

Albert E. Pillsbury inherited from these sturdy Scotch and English ancestors great natural force of character and intellectual ability, and acquired upon his father's farm a strong constitution and rugged physique, which have served him well in professional work. After passing through the lower grade schools of Milford he attended the high school of that town, and subsequently fitted for college at the Appleton Academy in New Ipswich, N. H., and the Lawrence Academy in Groton, Mass., from which institution he was graduated in 1867, and entered Harvard College in the class of 1871, at the age of eighteen. In consequence of a difference with the faculty he left college, and went to Sterling, Ill., the residence of his maternal uncle, Hon. James Dinsmoor, a lawyer of high standing in that section. While in Sterling he taught school a year, studied law with his uncle, and was admitted to the Illinois bar in 1869. In 1870 he returned to New England and settled in Boston, and was admitted to the Suffolk bar in June of that year. His eminent abilities soon secured for



ALBERT E. PILLSBURY.

him a foothold at the bar, and from that time to the present his clientage has been steadily widening and his reputation has become more and more firmly established.

For several years during the early part of his professional career Mr. Pillsbury was vice-president and president of the Mercantile Library Association of Boston, and to his membership in that body with its parliamentary and controversial lessons may perhaps be due his marked success as a presiding officer and a participant in legislative and political debate. He represented Ward Seventeen of Boston in the lower house of the Massachusetts Legislature in 1876, 1877 and 1878, serving the first year as chairman of the committee on elections

and as a member of the committee on Federal relations, and during the last two terms as a member of the committee on the judiciary and of other committees. From his first session he took rank with the leaders of his party. He was a member of the Massachusetts Senate from the Sixth Suffolk district in 1884, 1885 and 1886, and during the first term served as chairman of the joint committee of the Hoosac Tunnel Railroad and of the special committee of the gas investigation of that year, and also as a member of the judiciary committee. In 1885 and again in 1886 he was unanimously chosen president of the Senate, and officiated with great dignity, honor and satisfaction. In both branches of the Legislature he proved himself, with his clear and logical mind, to be the man occasionally found in our legislative bodies who unties the knot and tangle of debate and, clearing the atmosphere of discussion of the fog which is so apt to invest it, simplifies the question before the house and enables its bewildered members to arrive at a just and accurate understanding of its merits. His accomplishments as a legislator and as a ready debater were recognized and admired, and his service of three years in the House and three in the Senate won for him a high reputation and subsequent honors. Within the next few years he declined judicial and other public positions in favor of the practice of his profession.

In the fall of 1890 Mr. Pillsbury was nominated by the Republicans and elected attorney-general of Massachusetts, and was re-elected in 1891 and 1892, serving in all during the years 1891, 1892 and 1893. He won special distinction and honor in this capacity, and it is not too much to say that since 1858, when John Henry Clifford left the office, not one of its nine incumbents has performed its duties with more brilliant ability and marked success. Certainly since the trial of John W. Webster, in which Attorney-General Clifford, assisted by his able junior, George Bemis, so distinguished himself as to cause Samuel Warren, of the English bar, to say "that his reply for the prosecution cannot be excelled in close and conclusive reasoning conveyed in language equally elegant and forcible," no greater professional triumph has been won by a prosecuting officer of the Commonwealth than that in the famous trial of Trefethen in Middlesex county, in which Mr. Pillsbury, by a masterly treatment of the chain of evidence, secured a conviction in spite of the efforts of the ablest counsel for the defense, and in opposition to a general public opinion. His other most noticeable work as attorney-general was his argument before the committee on Merchant Marine and Fisheries of Congress in March, 1892, under instructions from the Legislature, in defense of the right of Massachusetts to protect her shore fisheries, which convinced the committee and stayed the contemplated interference of Congress on that subject; and his argument before the United States Supreme Court at the October term, 1893, in support of the constitutionality of the oleomargarine laws of Massachusetts, which were alleged to violate the commerce clause of the Federal Constitution. The Massachusetts laws were sustained by the court, contrary to the general expectation in view of previous decisions. Since retiring from the attorney-generalship in January, 1894, he has been actively engaged in Boston in the practice of his profession, chiefly in connection with large corporate interests. He is one of the ablest leaders of the Suffolk bar, and as a lawyer and advocate has achieved more than a State reputation.

Mr. Pillsbury was prominently mentioned for governor of Massachusetts in 1892, and in 1893 was the leading candidate for the Republican nomination against the late Frederic T. Greenhalge, but withdrew his name and made the nominating speech for Greenhalge in the convention. He has also gained a wide reputation as an orator and campaign speaker, and in 1890 delivered, by appointment, the annual Fourth of July oration before the municipal authorities of the city of Boston, on "Public Spirit." In 1896 he succeeded Hon. Edward J. Phelps as lecturer on constitutional law in

the Boston University Law School. He is vice-president of the United States Trust Company of Boston, a trustee of the Franklin Savings Bank, a foundation member of the Boston Bar Association, a member of the American Academy of Political and Social Science, and an officer or member of several social and political clubs, and literary and charitable organizations. He was the founder of the Sons of New Hampshire in Boston. In 1889, at the first gathering of his family in Newburyport, he was elected and still remains president of the National Association of the Pillsbury Family, whose genealogy has been recently published by Miss Emily A. Getchell, of that city. He received the honorary degree of A. M. from Harvard College in 1891. He has published several legal and other arguments and addresses, is an occasional and welcome contributor to newspapers and magazines, and as a citizen is public spirited, patriotic and progressive.

ISAAC CHAUNCEY WYMAN, Boston, is descended from Francis Wyman, of the manor of Westmill, Herts, England, who died in 1658. The name is of Norse origin, common with Norse peoples, and spelled in various ways, often after the ancient form of Wymund or Wymouth. Lieutenant John Wyman (1), third son of Francis, was born about 1621, came to New England about 1640, and died at Woburn, Mass., where his son, Lieutenant Seth Wyman (2), died in 1715. Seth had a son, Captain Wyman (3), who achieved distinction at "Lovewell's Fight," and who finally died of his wounds. Hezekiah Wyman (4) was born in Woburn and became a soldier, serving in Wolfe's campaign and elsewhere. His son, Isaac Wyman (5), father of the subject of this sketch, was born in the Second Parish, Cambridge, Mass., January 1, 1762, and died at Salem in 1836. As a soldier in the Revolutionary army he served in the battles of Lexington and Bunker Hill, and at the siege of Boston, where he acted in place of Reed, who was Stark's lieutenant-colonel. He served until the peace, and thereafter devoted himself to active business. In 1820 he married Elizabeth Ingalls, daughter of Henry Ingalls, U. S. N., and Susan (Brown) Ingalls. It is a noteworthy fact that a large number of Isaac C. Wyman's ancestors were soldiers in the Colonial and Revolutionary wars, and that he is the son of one who served throughout the struggle for Independence. Their patriotism and love of freedom were among their chief characteristics, and are no where better displayed than in the persons of John Wyman, one of Mr. Wyman's immediate ancestors, who, being a comparatively rich man, contributed on one occasion every unattached cent that he had in the world to the cause of American



ISAAC C. WYMAN.

liberty. In Mr. Wyman's possession is the following receipt, signed by General Washington, of the transaction just mentioned; "Roxbury Jan. 1, 1776. Received of John Wyman of Salem, the sum of eight thousand pounds, the same to be devoted towards the maintenance of the army under my command. Signed, George Washington, General Commanding Continental Army. In camp before Boston."

Isaac C. Wyman, son of Isaac and Elizabeth (Ingalls) Wyman, was born at "Forest River," then called "Wyman's Mills," near Salem, Essex county, Mass., January 31, 1828. He attended a public boarding school and afterward entered Princeton University in New Jersey, from which he was graduated A. B. in 1848 and from which he received the degree of A. M. in course in 1861. There, under the presidency of Dr. James Carnahan, a noted Scotch educator, he laid the foundation of a broad and liberal training and gained distinction as a scholar. He stood high in his class, which included such noted men as Hon. William Worth Belknap, secretary of war in President Grant's cabinet; Casper Hodge, president of the girls' annex at Princeton; the late Jonathan Edwards, founder of Colorado University; Colonel Abert, of the engineer corps, U. S. A.; and Judge Bradley, of the United States Supreme Court. On leaving Princeton Mr. Wyman entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1850. He continued his legal studies in Boston in the office of Benjamin F. Hallett and Charles Grandison Thomas, then partners, and was admitted to the Suffolk bar June 6, 1851, since which time he has practiced his profession in Boston. At the beginning of his career he was for a time assistant to Mr. Hallett (Brown University), who was United States commissioner and district attorney for the District of Massachusetts, but in 1852 he formed a copartnership with Mr. Thomas (Harvard College, 1838), which continued until 1862. During this period he was exclusively engaged in the practice of law.

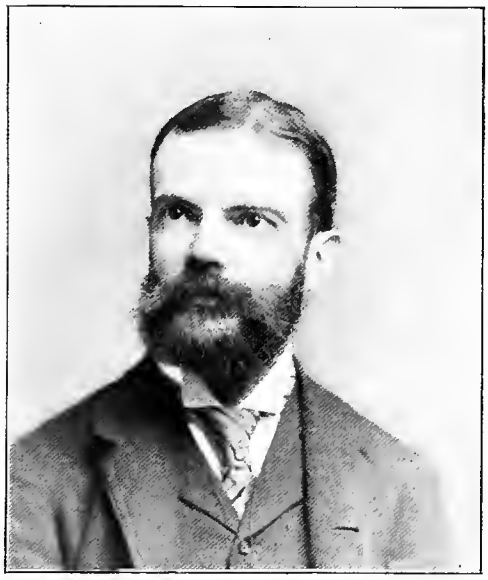
While he was with Mr. Hallett Mr. Wyman was connected with some notable trials, among them being that of Captain Oaksmith, of Portland, who with his vessel, Wanderer, the last of the African slave-traders, was captured, convicted, and condemned. He was also identified with the famous fugitive slave cases of Simms and Burns, and with the celebrated Dixie and Pitman trial. These and other important cases gave him a high standing at the bar and brought him into prominence very early in his legal career, and in later years he steadily added to his reputation by the display of marked ability and skill. His practice was largely in the line of shipping, mercantile, and real estate law. In 1860 he was elected president of the Marblehead National Bank, and since then he has been largely engaged in banking, real estate, and financial matters, and with the law relating to those branches. Since 1862 he has had no partners.

Mr. Wyman is a member of the Essex Institute of Salem, of the New England Historic Genealogical Society, and of the Masonic fraternity, and a trustee of Dummer Academy, the oldest academy in the United States, being founded by Sir William Dummer and established largely by Rev. Charles Chauncey, D. D., the second president (1654 to 1671) of Harvard College and one of Mr. Wyman's ancestors. Mr. Wyman was never married. He resides in Salem, and maintains his law office in Boston.

JOHN LARKIN THORNDIKE, Boston, son of John Hill Thorndike and Sarah Anne Phillips Thorndike, was born July 27, 1844, at Boston, Mass., and has always resided there and in its neighborhood. He is a direct descendant of John Thorndike, of an old Lincolnshire family, who came to New England in 1633, and settled at Ipswich, Mass., and of his son, Paul Thorndike, who afterward settled at Beverly. This John Thorndike was a younger brother of Herbert Thorndike, a prebendary of Westminster Abbey, one of the most learned men of his time and the author of numerous works.

Mr. Thorndike was graduated from the Boston Latin School in 1862, from Harvard College in 1866, and from Harvard Law School with the degree of LL.B. in 1868. He also studied law in Boston with Thornton K. Lothrop and the Hon. Robert R. Bishop and was admitted to the bar at Boston June 8, 1868.

Immediately afterward he began the general practice of his profession in Boston and rapidly came into prominence as a lawyer of recognized ability and industry. From 1874 to 1884 he occupied adjoining offices with the late Francis E. Parker. In 1887 he formed a copartnership with Moorfield Storey and the late Sherman Hoar under the firm name of Storey, Thorndike & Hoar. The junior partner withdrew upon his election to Congress



JOHN L. THORNDIKE.

and the firm became Storey & Thorndike, which has since become Storey, Thorndike & Palmer, with Bradley W. Palmer as its junior member.

Mr. Thorndike has built up a large general civil practice, and before a court as well as in the office has been eminently successful. He has contributed occasional articles to the press, and was the editor of the seventh edition of "Story on Promissory Notes" and of a part of the eighth edition of "Story on Conflict of Laws." He was a foundation member of the Bar Association of the city of Boston and is also a member of the Somerset Club and of other social organizations.

He was married in June, 1878, to Miss Florence Greenough, daughter of Henry Greenough, of Cambridge, Mass.; they have three children: Olivia, John Richard, and Alice.

ALEXANDER FAIRFIELD WADSWORTH, Boston, son of Alexander and Mary Elizabeth Hubbard (Fairfield) Wadsworth, was born in Boston, Mass., January 28, 1840. His ancestors came from Horsforth, Yorkshire, near Leeds, England, and settled in Duxbury, Mass., whence his great-grandfather, Gen. Peleg Wadsworth, removed to Portland, Me., where he built the first brick house in the place. During the Revolutionary war General Wadsworth was captured by the British at Bragaduce (now Castine), but escaped. He was adjutant-general of the Province of Massachusetts. By his wife, Elizabeth Bartlett, a native of Plymouth, he had eleven children, of whom Henry, the second son, a lieutenant in the American navy, voluntarily perished on board the fire ship Intrepid, which was blown up before Tripoli on September 4, 1804. The third child, Zilpha, married Stephen Longfellow and became the mother of the poet, Henry Wadsworth Longfellow. Another son, Charles Lee Wadsworth, left Portland for a farm in Hiram, Me., and had eight sons and three daughters. One of these sons, Alexander, the father of the subject of this article, was born May 6, 1806, and became a noted civil engineer and surveyor in Boston, where he died February 15, 1898. He surveyed a large part of that city and its suburbs, including Mount Auburn Cemetery, and in 1835 he took the prize of $500 for a plan of Pemberton Square, now partially occupied by the new Suffolk County Court House. He served in the Boston Common Council, on the Boston Water Board, and two years in the Massachusetts Legislature. In 1832 he married Adelaide, daughter of Seth Wells, who died in 1834. In 1836 he married Mary Elizabeth Hubbard Fairfield, daughter of John and Martha (Hubbard) Fairfield. Through his grandfather, Peleg, he was descended from John and Priscilla Alden of the Mayflower.

Alexander F. Wadsworth was educated in private schools and at the Boston Latin School, from which he was graduated in 1856. The same year he entered Harvard College and was graduated with honors in 1860, having a dissertation at commencement and holding membership in the Theta Delta Chi, the Institute of 1770, and the Hasty Pudding Club. He read law with Clarke & Shaw in Boston and at the Harvard Law School, from which he received the degree of LL.B. in 1863, and was admitted to the Suffolk bar November 21, 1863. During the following year he was associated with William I. Bowditch, but with that exception has practiced his profession alone, devoting special attention to the law of real estate, titles, conveyancing, trusts, pro-



ALEXANDER F. WADSWORTH.

bate, etc. He has been eminently successful and for many years has occupied a prominent place at the Boston bar. His knowledge of real estate law is broad and accurate, as is abundantly shown by the many important trusts committed to his care.

Mr. Wadsworth was a member of the Boston Common Council in 1875, but with that exception has never held public office. He has practically devoted his whole time and energy to his profession. He is treasurer of the Gwynne Temporary Home for Children in Boston, and as a citizen is enterprising, patriotic, and progressive. He was married October 12, 1876, to Lucy Goodwin, daughter of Ozias and Lucy (Chapman) Goodwin, of Boston.

WINSLOW WARREN, Boston, formerly Collector of the Port of Boston and Charlestown, is the only son of Dr. Winslow Warren and Margaret Bartlett, sister of the late Sidney Bartlett, for many years the leader of the Suffolk bar. His mother was the daughter of Dr. Zaccheus and Hannah (Jackson) Bartlett and a lineal descendant of Robert Bartlett, who came to Plymouth, Mass., in the ship Ann in 1623, and who was married in 1628 to Mary Warren, daughter of Richard Warren, one of the immortal band of Mayflower passengers in 1620. Mr. Warren is also lineally descended on his father's side from Richard Warren of the Mayflower and is the great-grandson of Gen. James Warren, who was the son of James and Penelope (Winslow) Warren, and who succeeded Dr. Joseph Warren as president of the Provincial Congress. Gen. James Warren was born September 28, 1726, in Plymouth, and died there November 28, 1808. He was appointed judge of the Supreme Court of Judicature in 1776, but never took his seat. In 1754 he married Mercy Otis, daughter of James Otis, of Barnstable, Mass., and sister of James Otis, the orator and patriot. The Warrens, Bartletts, Winslows, Jacksons, and Otises have been conspicuous in the colonial and later history of Massachusetts, in public and governmental affairs, and in the quieter avocations of professional and commercial life, and from them the subject of this article inherited the sterling characteristics and intellectual attainments which have won for him him a notable success and a distinguished name.

Winslow Warren was born in Plymouth, Mass., March 20, 1838, and received his pre-

liminary education in the public schools of that ancient town. In 1854 he entered Harvard College and was graduated therefrom with honors in 1858. He read law at the Harvard Law School for two years, graduating with the degree of LL.B. in 1860, and finished his studies in the office of his uncle, Sidney Bartlett, of Boston, with whom he remained one year. He was admitted to the Suffolk bar March 12, 1861, and since then has been actively and successfully engaged in the general practice of his profession in Boston. He is essentially a business lawyer, possessed of cool, broad, and exact judgment, and for many years has had a large trust and corporation clientage. As counsel for the Boston and Providence Railroad Company he had charge of the settlement of claims arising from the Buzzey bridge accident, and out of a million dollars paid in settlement only fifty thousand dollars were paid on suits against the company tried in court. His ability as a lawyer and advocate, his broad and comprehensive knowledge of the law, his high character, his native energy and sound common sense have won for him a foremost position at the bar and a recognized leadership among the profession.

He was a United States commissioner from 1861 to 1894, and in 1876 was the Democratic candidate for the lower house of the Massachusetts Legislature from Dedham, but was defeated, the district being strongly Republican. On September 15, 1892, he was appointed by the United States Circuit Court to examine the records, files, and registry funds of that court and report on the correctness and completeness of the same. In this capacity he made an exhaustive report in February, 1894. On the 27th of the same month President Cleveland appointed him Collector of customs of the Port of Boston and Charlestown, and he filled that office with eminent ability and satisfaction for four years, being succeeded under a Republican administration by George H. Lyman, the present incumbent. Mr. Warren's appointment was welcomed by the leading citizens and members of both parties, as it was known that, besides being a distinguished lawyer, he was an able business man, honest and straightforward, and eminently qualified for the position. That he filled it with great credit and honor was universally conceded at the time of his retirement, in 1898.

Mr. Warren has been for many years a prominent and active reformer, and was one of the original members, and is now vice-president,



WINSLOW WARREN.

of the Massachusetts Reform Club. He is president of the Unitarian Club, vice-president of the University Club of Boston, a member of the Massachusetts Historical Society and of the Boston Bar Association, president of the Massachusetts State Society of the Cincinnati, and vice-president general of the General Society of the Cincinnati and president of the Bunker Hill Monument Association. He has resided in Dedham, Mass., for many years, and is president of the Dedham Water Company, and vice-president of the Dedham Institution for Savings.

He was married January 3, 1867, to Mary Lincoln Tinkham, daughter of Spencer and Sarah (Lincoln) Tinkham, of Boston, and has two sons and two daughters.

BUSHROD MORSE, Boston, the first special justice of the District Court for Southern Norfolk since 1891, is a lineal descendant of Samuel Morse, who came to Dorchester, Mass., in 1634. Among his collateral ancestors are Prof. Samuel F. B. Morse, the inventor of the electric telegraph; Benjamin Franklin, patriot and diplomat; and Chief Justice Kent. His grandfather, Capt. John



BUSHROD MORSE.

Morse, was a prominent citizen of Sharon, Mass., where the subject of this article was born, a son of Willard and Eliza (Glover) Morse, on the 24th of August, 1837. Judge Morse attended the public schools of his native town, the Providence (R. I.) Conference Seminary, and the Pierce Academy at Middleboro, Mass., and in 1856 entered Amherst College. Ill health finally compelled him to abandon a cherished collegiate course, and after recuperating he took up the study of law, first in North Easton, Mass., afterward in Boston. He was admitted to the Suffolk bar November 5, 1864, and since then has been engaged in active practice in Boston, having his office from the first at No. 27 School street. During recent years he has given his attention chiefly to a large probate and insolvency business. In 1864 Governor Andrew appointed him a justice of the peace, which office he has ever since held, and on May 13, 1891, Governor Russell appointed him the first special justice of the District Court for Southern Norfolk, which position he also still holds. In these capacities he has officiated with great ability and credit, displaying a broad knowledge of jurisprudence and a sound judgment and common sense.

He has continuously resided in Sharon on the old Morse homestead, a picturesque estate near Lake Massapoag, which descended to him and his brothers from their great-grandfather, Gilead Morse, an English soldier under General Wolfe, who bought it on his return from the French war in 1764. Judge Morse has been prominent in town and State affairs, being chairman of the Sharon School Committee for a time and serving in the lower house of the Massachusetts Legislature in 1870, 1883, and 1884. In the latter body he was prominent and influential, and in 1884 was chairman of the committee on probate and chancery. He was also member of the Democratic State Central Committee for some time, a delegate to the National Democratic Convention at Cincinnati in 1880, and a candidate for presidential elector in 1884 and 1888. In 1886 he was the Democratic candidate for Congress in the Second Massachusetts district against ex-Gov. John D. Long, and although he was defeated in a Republican stronghold by less than 2,000 votes he carried Norfolk county by a majority of 223. He again ran for member of congress in 1890, when he received the highest vote ever cast for a Democratic congressional candidate in his district.

The workingmen have had in Judge Morse a staunch and faithful friend, and they have manifested their appreciation of his efforts in their behalf by liberally supporting him at the polls. His able and intelligent advocacy of legislative measures calculated to advance their interests gained for him a wide reputation and much popularity. He has also been a prominent advocate of tariff reform, and his addresses thereon, embodying the results of his careful

investigations, and set forth in vigorous English, have been published in the leading journals in the country and have attracted general attention. As a citizen he is public spirited, patriotic, and enterprising, liberally encouraging and supporting every commendable work, and taking a deep interest in all worthy movements. As a lawyer he has gained a high standing at the bar, and in probate practice is a recognized authority.

WILLIAM ALEXANDER GASTON, Boston, is the only surviving son of the late Gov. William Gaston, LL.D., and Louisa Augusta Beecher, his wife, and was born in Roxbury, now a part of Boston, Mass., May 1, 1859. He was educated in public and private schools and at the Roxbury Latin School, graduating from the latter institution in 1876. In the same year he entered Harvard University, from which he was graduated with honor in 1880. While in college he took a prominent part in athletics, especially in baseball and kindred sports. He spent two years in the Harvard Law School, and from September, 1882, to May, 1883, read law with his father. After spending a summer in Europe he was admitted, in September, 1883, to the Suffolk bar, and at once formed a partnership with his father and Charles L. B. Whitney for the practice of his profession. The firm of Gaston & Whitney was dissolved in 1888 by the withdrawal of Mr. Whitney, and father and son continued until 1890, when Frederic E. Snow was admitted under the style of Gaston & Snow, which remained unchanged until November 1, 1899, when Richard M. Saltonstall became a member and the firm name was changed to that of Gaston, Snow & Saltonstall. Governor Gaston, the senior member, retired in 1891 and died January 19, 1894.

For a number of years after his admission Mr. Gaston enjoyed a large and successful practice in the courts and before juries, and rapidly gained a high standing at the bar. This is especially applicable to a period following his father's retirement. Latterly, however, the firm's business has been largely in the department of corporation law, in which they are extensively engaged. Mr. Gaston is an excellent lawyer and advocate, and in his special branch has achieved considerable eminence. He has successfully handled many large and important cases, and is recognized as one of Boston's strongest and ablest corporation lawyers.



WILLIAM A. GASTON.

He is a man of the highest integrity, a shrewd and safe counselor, and a leader of great sagacity and acumen. He was one of the principal organizers and has continuously been president of the Boston Elevated Railway Company, which represents an investment of $35,000,000. He is also a director and a member of the executive committee of the National Shawmut Bank of Boston, the largest financial institution in New England, and a trustee of the Proprietors of Forest Hill Cemetery, director of the Colonial National Bank of Boston, director of the New England Cotton Yarn Company, and is interested in various other corporations and enterprises. In these positions as well as in the practice of his profession he has developed financial ability which ranks

him among the leading financiers of New England. He is a member of several organizations of a social and patriotic nature, such as the Somerset, University, Country, Exchange, and Algonquin Clubs, the Bostonian Society, the Historical Military Society of Roxbury, Massachusetts Horticultural Society, etc., and for three years he was assistant adjutant-general with rank of colonel on Governor Russell's staff. Like his distinguished father, whose memoir appears in this work, Mr. Gaston is public spirited, enterprising and progressive, and as a citizen and lawyer is widely respected and esteemed.

April 9, 1892, he was married to May D., daughter of Hamilton D. and Annie L. Lockwood, of Boston, and they have three children living: Ruth, William and John.

EDWIN CAMERON GILMAN, the son of Samuel and Jeanette (Rae) Gilman, was born in Boston, Mass., on the 29th of August,



EDWIN C. GILMAN.

1851. Mr. Gilman received his education in the public schools of Boston, where he has always resided. He read law in his native city with Moses Williams and the late Clement K. Fay, and was admitted to the Suffolk bar June 10, 1873. Immediately afterward he established himself in general practice in Boston, and by perseverance and industry, secured a foothold in the profession.

In 1885 he became the attorney for the Lamson Consolidated Store Service Company, and since that time he has had charge of its legal business.

He became a member of the Bar Association of the city of Boston at the time of its establishment in 1876.

GEORGE LITCH ROBERTS, Boston, son of Reuben and Jane (Litch) Roberts, was born in Boston, Mass., on the 30th of December, 1836. He is descended from eight successive generations of New England ancestry, reaching back to the earliest English settlers of Dover, N. H., on his father's side, and of Hingham, Mass., on his mother's.

Mr. Roberts was graduated from Wesleyan University at Middletown, Conn., June 22, 1859. Afterward he spent three years in teaching mathematics, and then studied law at the Harvard Law School and in the office of the late Hon. Benjamin Robbins Curtis, formerly an associate justice of the Supreme Court of the United States and one of the ablest lawyers and jurists of his time. Mr. Roberts was admitted to the Suffolk bar June 7, 1864, and as a counselor of the Supreme Court of the United States April 1, 1870. Upon his admission to the bar, he began active practice in Boston, opening an office at 34 School street, where he remained until September 20, 1877, and since that time he has been located at 95 Milk street. He has been a member of the Boston Bar Association from the date of its organization in 1876.

Since 1870 Mr. Roberts's practice has been almost wholly connected with patent litigation, and has extended to cases pending in the United States Courts of every one of the nine circuits. Among the important suits in which he has been engaged may be mentioned the "pebbling machine cases," 1865–1872, which

involved the interests of the entire leather trade; the "aniline-black case," 1872–1877, which affected most of the print-works in this country; the "spindle cases," 1877–1880, in which prominent manufacturers of cotton machinery and several cotton mills were concerned; and some of the principal "telephone cases," which were litigated during the decade, 1879–1889. Some of the suits thus referred to



GEORGE L. ROBERTS.

were Woodman vs. Stimpson, 3 Fisher's Patent Cases, 88; Stimpson vs. Woodman, 10 Wall, 117; Woodman Pebbling Machine Company vs. Guild, 4 Clifford, 185; Pearl vs. The Appleton Company, 3 Fed. Rep., 153; American Bell Telephone Co. vs. American Cushman Telephone Co., 35 Fed. Rep., 734; American Bell Telephone Co. vs. Cushman Telephone and Service Co., 36 Fed. Rep., 488.

In November, 1889, the American Bell Telephone Company entrusted to him the preparation and conduct of the defenses in the suit which had been brought against it by the United States to repeal the fundamental telephone patents originally granted to Alexander Graham Bell; and for seven years thereafter he was exclusively occupied with that work until finally the government relinquished the contest. Mr. Roberts is one of the leading patent lawyers in New England. The eminent success and reputation which he has achieved at the bar, and especially in the field of patent law, have been the result of exclusive devotion to his professional work, combined with recognized ability, manifest skill, and sound learning. While avoiding public office and political preferment, he has been a conscientious and patriotic citizen, always deeply interested in the welfare of the community.

Mr. Roberts has resided in Boston continuously since October 2, 1862. He was married December 1, 1865, to Hinda Barnes, daughter of Duane and Cynthia (Turner) Barnes, of Middletown, Conn., and they have had two children: Odin Barnes Roberts, who was graduated from Harvard University, A. B., June 30, 1886, and LL.B. and A. M., June 24, 1891, and who has since been practicing law in Boston; and Harold Barnes Roberts, who was graduated S. B. from the Massachusetts Institute of Technology, June 3, 1890.

ARCHIBALD MURRAY HOWE, Boston, is the son of James Murray and Harriet Butler (Clarke) Howe, and was born in Northampton, Hampshire county, Mass., on the 20th of May, 1848. In 1849 the family moved to Brookline, Mass., where he attended the private and public schools. Graduating from the Brookline High School in 1865 he entered Harvard College, where he took a regular four years' course, from which he was graduated in 1869. Among his classmates were Austen G. Fox of New York city, Edward H. Bradford, M. D., Russell Gray, James J. Myers, Henry W. Putnam, Benjamin L. M. Tower and Joseph B. Warner.

On leaving college Mr. Howe entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1871. He continued his legal studies in Boston with his uncle, George S. Hillard, then United States attorney, and later with the firm of

Hillard, Hyde & Dickinson, and was admitted to the Suffolk bar in June, 1872. Since then he has practiced his profession in Boston, having but one partnership, which existed a few months, when he was in business with Henry F. Buswell and Charles H. Walcott. At present he is associated with Andrew Fiske. Mr. Howe has confined himself, especially of late years, almost exclusively to office work, and



ARCHIBALD M. HOWE.

largely to conveyancing, to the administration of estates, and to general commercial law. In these branches his natural ability and broad legal training have gained for him a high reputation and an honorable standing at the bar. From the first he has been uniformly successful.

Early in his professional career Mr. Howe was for two years private secretary to the late Hon. Henry L. Pierce, member of the Forty-third Congress, in Washington, and during this period gained a taste as well as knowledge of public affairs which has ever since been one of his chief avocations. He has always been independent and self-reliant in his political actions. He has resided in Cambridge since 1867, and was a member of the Cambridge Common Council from 1875 to 1877 inclusive and of the lower house of the Massachusetts Legislature from Cambridge in 1891, serving in the latter body on the committees on constitutional amendments and probate and chancery.

It is practically impossible to give, in this brief sketch, a clear and adequate account of the numerous public movements in which Mr. Howe has been engaged. His efforts have been exerted in many quarters and in widely diversified fields of usefulness. Reform measures, religious matters, and various public and semi-public interests have claimed his attention, and in several channels he has achieved eminence and honor. For many years he has taken an active part in promoting or opposing measures before the Legislature, not only lending them his professional assistance, but exerting a wholesome influence for or against them as the welfare of the community demanded. He was one of the earliest members of the Massachusetts Reform Club and has been one of its vice-presidents. In the advancement of civil service reform he has been especially active, both in the Commonwealth and at Washington. He was a member of the executive committee of the Massachusetts Independents in 1884, and for five years has been a director of the American Unitarian Association, in which he is very prominent and useful. He is also a member of the Bar Association of the city of Boston. These various fields of activity have not drawn him from the practice of the law, but on the contrary have afforded him reasonable diversion from professional labor without in any way relaxing his attention to its arduous duties. While his public career has been a useful one his life as a lawyer has lost none of its success and honor.

Mr. Howe was married June 4, 1881, to Arria S., daughter of Epes Sargent Dixwell, the noted and distinguished teacher of Cambridge, Mass.

WILLIAM BADGER LAWRENCE, Boston, only son of Gen. Samuel Crocker Lawrence and Caroline Rebecca Badger, was born in Charlestown, now a part of Boston, Mass., November 16, 1856. His father, Gen. Samuel Crocker Lawrence, son of Daniel and Elizabeth (Crocker) Lawrence, was born in Medford, Mass., November 22, 1832, was graduated from Harvard College with high honors in 1855, and at the breaking out of the war was colonel of the Fifth Regiment, which was one of the first organizations to volunteer in 1861, being ordered to report for duty April 19th. He resigned as brigadier-general August 20, 1864, and in 1869 was elected commander of the Ancient and Honorable Artillery Company of Massachusetts. He was three times grand master of the Massachusetts Grand Lodge of Masons, and for many years has been president of the Eastern and other railroads. He married Caroline Rebecca, daughter of Rev. William and Rebecca (Taylor) Badger, and they have two children: William B. and Louise. She is descended from Giles Badger, who came from England with two brothers, and who was living in 1643 in Newbury, Mass., where he died January 11, 1647. Her maternal grandfather was John Taylor, a captain in the Revolutionary war. Rev. William Badger was a well known Freewill Baptist minister in Wilton, Farmington, and other places in Maine, and was the father of Almerin F. Badger, the law partner of Hon. George S. Boutwell while the latter was secretary of the treasury under President Grant.

William B. Lawrence was graduated from the Boston Latin School in 1875 with the Franklin medal and other prizes. He then entered Harvard College, from which he was graduated with honors in 1879, holding membership in the Phi Beta Kappa and Signet Societies. While there he devoted special attention to political economy and the languages and stood high in his class. After graduating he entered the Harvard Law School and received the degree of LL.B. therefrom in 1882, meanwhile being a student in the office of the late Hon. Charles Levi Woodbury, of Boston. He spent a year in European travel and upon returning home was admitted to the Suffolk bar in June, 1883. About the same time he was also admitted to the United States Courts. For a short time he was associated with the late Nathan Morse, but otherwise he has practiced alone, giving special attention to railroad



WILLIAM B. LAWRENCE.

and corporation law. As a lawyer and advocate he has been eminently successful, and during the fifteen years that he has been at the bar has acted as counsel in many important cases. His ability, industry, and sound legal knowledge have given him a high standing in the profession.

Mr. Lawrence has spent his entire life as a resident of Medford, Mass., where the family lived at the time of his birth. He has long been prominent in the affairs of that town and city, serving it from 1888 to 1890, before its incorporation, as a member of the Boards of Selectmen and Overseers of the Poor, and afterward, in 1891 and 1892, as representative of the city in the lower house of the Massachusetts Legislature. In the latter body he was a mem-

ber of the committees on drainage and probate and insolvency in 1891 and of the judiciary committee in 1892. In 1893 and 1894 he represented in the State Senate the old First Middlesex district, comprising the cities of Somerville and Medford and the towns of Arlington and Winchester, and during those sessions he served as floor chairman of the committee on rules, as chairman of the committee on the treasury and of the joint committee on expenditures, and as a member of the committee on the judiciary. He was a leader of the Republican side and was very active in shaping important legislation, being largely instrumental in securing action which resulted in the erection of the present North Union station in Boston and in obtaining the passage of the measure which brought about speedier trials in the Superior Court. He was also a leading factor in the election of Hon. Henry Cabot Lodge to the United States Senate in 1893. In 1891 and 1892 he was a member of the Republican State Central Committee.

Mr. Lawrence has always taken a deep interest in public affairs, and has been especially active and useful in promoting municipal movements. Between 1885 and 1889 he was instrumental in preventing the threatened division of the town of Medford, and afterward he had an important part in securing the city charter, which was modeled largely after his own ideas. He was also active in securing the benefits of the Metropolitan Sewerage bill for cities and towns in the valley of the Mystic River. He is and has been for several years a trustee of the Medford Savings Bank, a charter member and one of the organizers of the Medford Club, clerk of the board of directors and corporation of the Boston and Maine Railroad, and clerk and member of the board of three directors of the Somerville Journal Printing Company. In 1874 and 1875, while a student at the Boston Latin School, he was colonel of the Boston School Regiment. He is a member of the University Club and a vice-president of the Middlesex Club of Boston, and for many years has been prominent in the Masonic fraternity, being a past deputy district grand master of the Grand Lodge of Massachusetts, and grand master of the Grand Lodge, past master of Mt. Hermon Lodge, past high priest of Mystic Chapter, R. A. M., past thrice illustrious master of Medford Council, R. & S. M., past grand master of the Grand Council of Massachusetts, and commander (1898 and 1899) of Boston Commandery, K. T., the largest body of Knights Templar in the world and one of the oldest in the United States. He is also a member of all the Scottish Rite bodies and of the Supreme Council, thirty-third degree, which he received in Pittsburg, Pa., in 1896. He has delivered a number of political speeches and written occasionally for the press, and in every capacity has faithfully and efficiently discharged the duties of a public spirited, patriotic and progressive citizen.

Mr. Lawrence was married October 2, 1883, to Alice May, daughter of Henry and Emily (Nickerson) Sears, of Boston, and a lineal descendant of Richard Sears, who settled in Plymouth, Mass., in 1623. She is also descended from Elder William Brewster and other Cape Cod families. Their children are Marjorie, Samuel Crocker, 2d, Ruth, and William B., jr.

JAMES SCHOULER, LL.D., Boston, one of the leading law writers and lecturers in the United States, is the eldest son and the second of five children of William and Frances Eliza (Warren) Schouler, and was born in West Cambridge (now Arlington), Mass., March 20, 1839. On the paternal side he is of Scotch descent, the true spelling of the name being "Scouler." His father's first cousin, Prof. John Scouler, M. D., LL. D., was professor of natural history in the Andersonian University of Glasgow, professor of mineralogy of the Royal Dublin Society, and president of the Glasgow Geological Society, and was buried in the churchyard of Kilbarchan, Scotland, from which place the "Schoulers" (as now en-

titled) came to America. James Scouler, born 1786, married Margaret Clark, a woman of superior endowments, and for political reasons left Scotland in 1816 and came with his family to this country, settling first in New York city. His children at that time were John, Robert, William and Jane, of whom the last named died in Brooklyn. The three sons all lived to ripe manhood. Two more daughters and a son were born to them in the United States. James Schouler (as he subsequently signed his name) was a calico printer, and in 1832 built a print-cloth factory in West Cambridge, Mass., where his wife died July 24, 1851, aged sixty-three. He afterward lived in Westchester, N. Y., and died there February 24, 1864. William Schouler, born December 31, 1814, in Scotland, followed the fortunes of the family until his marriage on October 6, 1835, to Frances Eliza Warren, who was born in West Cambridge, Mass., January 10, 1816, and whose ancestors came to Massachusetts in 1630. She was descended from Lexington and Concord minutemen and other Revolutionary stock, and was great-granddaughter of Rev. Henry Cummings, D. D., for many years a leading citizen and pastor of Billerica. In 1842 William Schouler bought the Lowell Courier, and was four times elected to the Legislature from that city, and also served as colonel of a Middlesex county regiment of militia. He became editor of the Boston Atlas in 1847, was a member of the Massachusetts Constitutional Convention in 1853, and in 1854 moved to Ohio, where he was editor of the Cincinnati Gazette and other papers. He was also a delegate from Ohio to the first presidential convention of the Republican party at Philadelphia. Returning to Boston he was appointed adjutant-general of the Commonwealth by Governor Banks and filled that office under him and Governor Andrew during the whole period of the Civil war. His service in this capacity distinguished him as a man of uncommon executive ability, and won for him the rank of major-general, to which the Legislature raised him after the war. He subsequently wrote a history of Massachusetts in the war, in two volumes, and died October 24, 1872, when the third volume was only half completed. His wife died November 1, 1874.

James Schouler inherited from his parents those Scotch and American qualities which made them conspicuous, and to these characteristics was added great intellectual force and



JAMES SCHOULER.

natural ability. He was graduated from the Quincy Grammar School of Boston in 1851, standing first on its list of Franklin medal scholars. Afterward he attended the Boston Latin School and still later the famous Chauncey Hall School, and in each of these institutions he ranked high in his studies and gave promise of great future usefulness. In 1854 he went with the family to Cincinnati, Ohio, but the next year returned and entered Harvard College, from which he was graduated with fair honors in 1859, holding membership in the Institute of 1770, the Natural History Society, and the O. K. Society. While in Harvard he also served as secretary of one of the boat clubs, was an original member and the first secretary of the Harvard Glee Club, and was one of the chief editors of the Har-

vard Magazine. On leaving college he became an instructor in St. Paul's School at Concord, N. H., where he remained one year, developing a strong taste for teaching, an occupation which appealed to his scholarly ambition and nature. The lack of immediate advancement in this line, led him to adopt the law as an immediate profession, and in November, 1860, he entered the office of George Dwight Guild, of Boston, where he began active practice, being admitted to the Suffolk bar in the Supreme Judicial Court January 23, 1862, and to the bar of the Supreme Court of the United States December 10, 1867. In 1863 Governor Andrew appointed him a public administrator for the county of Suffolk, a position he has ever since filled.

When Mr. Schouler came to the bar the war of the Rebellion had been raging for nearly a year. He took a deep interest in the Union cause, and had scarcely entered upon his professional career when he loyally offered his services to his country. August 4, 1862, he enlisted as a private in the 43d Mass. Vols., and on September 6, was promoted to second lieutenant. He was assigned to the signal corps, and was mustered out at the expiration of his term of enlistment July 30, 1863. Returning to Boston he resumed his law practice and soon gained a large clientage. But an impaired hearing which was developed by his army service caused him to withdraw from active business a few years later and devote his attention largely to literary pursuits. In some respects this affliction has proved fortunate, as it prevents the interference of general practice with his occupation as a writer, and has thus enabled him to achieve a national reputation in *belles lettres*. He has, however, continued to practice his profession to a limited extent, particularly in the settlement of estates and the care of trust property. Since 1870, when he argued at Washington the famous Hosmer case (9 Wall, 422), he has seldom appeared in court. Prior to this he was associated with his father in numerous war claims.

Mr. Schouler's literary career may be said to have opened when he was a mere lad in school. His essays, poems, and miscellaneous compositions even then bore evidence of great merit, and were highly applauded by teachers and friends. One of his papers, entitled "Napoleon Bonaparte," written at the age of ten, received more than ordinary praise. He also took an early and deep interest in music, both vocal and instrumental, and at times has been a prominent figure in church choirs and other musical bodies.

In April, 1866, Mr. Schouler published in the North American Review an article on "Our Diplomacy During the Rebellion," which drew from Secretary of State Seward a letter of warm commendation. This was followed by ever increasing literary work on both legal and historical subjects, and much of his time has been spent in Washington for the purpose of research and making notes of the government archives. While there he founded in January, 1871, the United States Jurist, and continued as its editor and principal owner until October, 1873. In June, 1870, he published his book on "Domestic Relations," of which five large editions have been issued. Of this work a writer has said:

"Reviewers, both English and American, welcomed it, and praised its clear, accurate, and logical expression, its superior literary style, and a certain freshness of treatment, after the deductive fashion, which set the law forth as lawyers had not clearly understood it before."

His other law books are "Personal Property," published in 1872; a second volume of the same, chiefly on "Gifts and Sales," in 1876; "Bailments Including Carriers," 1880; "Executors and Administrators," 1883; "Wills," 1887; and "Husband and Wife," an expansion of "Domestic Relations," 1882. He also edited "Story on Bailments" and a part of "Myer's Federal Decisions," and has been a frequent contributor to the American and English law magazines. His books are recognized in the courts as standard authorities on the various subjects treated, and have gained for

him a national reputation and a high reputation abroad, especially in England. Concerning them the Albany Law Journal said that "to Mr. Schouler must be given the praise of being the best law writer of our day in point of style."

But he is far more widely and popularly known by his historical work than by these purely professional productions. Parallel with his legal text books he wrote a "History of the United States under the Constitution," in six volumes, which were prepared and issued by him as follows: Volume 1, "Rule of Federalism, 1789–1801," in 1880; Vol. 2, "Jefferson Republicans, 1801–17," in 1882; Vol. 3, "Era of Good Feeling, 1817–31," in 1885; Vol. 4, "Whigs and Democrats, 1831–47," in 1889; Vol. 5, "Free Soil Controversy, 1847–61," in 1891; Vol. 6, "The Civil War, 1861–65," (1899). The first two volumes have been entirely revised and largely rewritten by him. This gigantic work, involving vast research and more than twenty years of labor, has been pronounced by a no less competent authority than the New York Nation to be "the most real history of the United States yet produced for the period which it covers." President Gilman, of Johns Hopkins University, in a letter to the author, said: "You have won unique distinction, not likely, I think, to be taken from you by subsequent investigators. The sense of proportion which has governed your work is valuable; but the candor and fairness and justice which you manifest, in the discussion of critical periods and of influential characters, give it even higher importance."

Mr. Schouler has also published besides the foregoing books and occasional contributions to the Atlantic Monthly, the Forum, and other magazines, a short life of "Thomas Jefferson" in the Makers of America Series (1892), "Historical Briefs" (1896), and "Constitutional Studies" (1897). The volume "Historical Briefs" contains most of the Historical Miscellanies hitherto read or printed by him.

He became a lecturer in the Boston University Law School in 1883 and in 1894 was appointed to a full professorship in that institution. In 1891 the honorary degree of LL.D. was conferred upon him by the National University at Washington, D. C., where he has lectured for several years on various legal topics. This degree under the rules of that institution is given solely for distinguished services in the field of jurisprudence. Mr. Schouler has also been a lecturer on American political and industrial history at the Johns Hopkins University in Baltimore for a number of years. In politics he began life as an ardent Republican, casting his first national vote for Lincoln in 1864. He has visited Europe twice, first in 1889 and again in 1894, and has his summer home at North Conway, N. H. He is a member of the American Historical Association, of which he was vice-president in 1895 and 1896 and president in 1897, and is also a member of the Massachusetts and Virginia Historical Societies, of the New England Historic Genealogical Society, of the Bunker Hill Association, of the Massachusetts Commandery of the Loyal Legion, of the American and Boston Bar Associations, of the St. Botolph Club of Boston, of the University Club of Baltimore, and of the Metropolitan Club of Washington.

Mr. Schouler was married December 14, 1870, to Emily Fuller Cochran, eldest child and daughter of Asa F. Cochran, a well-known merchant of Boston and New Orleans. They have no children.

HENRY WALTON SWIFT, Boston, is the eldest son in a family of four sons and one daughter of William C. N. and Eliza Nye (Perry) Swift, and was born in New Bedford, Mass., December 17, 1849. He is descended in the eighth generation from William Swift, who came from England in 1630 and was living in Watertown, Mass., in 1634. William Swift was one of the proprietors of Watertown, but sold out in 1637 and went with Rev. Edmund Freeman and others to

Sandwich, on Cape Cod. He was not only one of the founders of Sandwich, but the founder of a family that has ever since been prominent and active in the growth of New England, and especially of Massachusetts. Henry W. Swift descends from a long line of William Swifts down to his great-grandfather, William Swift, who married Martha Eldred and lived in Sandwich. His grandfather, Reuben Swift, married



HENRY W. SWIFT.

Jane Nye and moved to Falmouth and later to New Bedford, Mass., where William C. N. Swift was born April 27, 1815. The latter was for many years engaged in the whaling business as a member of the firm of Swift & Perry, and died in New Bedford on the 11th of May, 1892; his wife, Eliza Nye Perry, was the daughter of Jireh Perry, the great-granddaughter of Dr. Samuel Perry, of Dartmouth, and a lineal descendant of Edward Perry, who died in Sandwich in 1695, and whose wife was Mary Freeman, daughter of Rev. Edmund Freeman, the first minister of that town. Mr. Swift's great-grandmother, the wife of Dr. Ebenezer Perry, was Abby Spooner, whose father, Walter Spooner, was appointed chief justice of the Court of Common Pleas, by Gov. John Hancock, in 1781. Mr. Swift is a direct descendant from seven of the Mayflower passengers, namely, John Alden and Priscilla Mullins, William Mullins and his wife, Francis Cooke and his son John, and Richard Warren, all ancestors on his mother's side.

Henry W. Swift fitted for college at the Friends Academy in New Bedford and at Phillips Exeter Academy, from which he was graduated in 1867. The same year he entered Harvard College and was graduated in 1871. He was a member of various college societies and was secretary and afterwards president of the Hasty Pudding Club. He was one of the editors of the Advocate and was class poet. On leaving college he began the study of law in the office of Hon. George Marston and Hon. William W. Crapo, of New Bedford, and in the autumn of 1872 entered the Harvard Law School, from which he was graduated with the degree of LL.B. *cum laude* in 1874. He was admitted to the Suffolk bar June 20, 1874, and the same year established himself in practice in Boston as a partner of Russell Gray. This copartnership lasted for several years, and he still shares an office with Mr. Gray and Hon. William F. Wharton.

Mr. Swift was the Boston attorney for the Atchinson, Topeka and Santa Fe Railroad Company until the removal of its offices from the New England metropolis. Like his father, a prominent Democrat in Bristol county, he has been active in the ranks of the Democracy, and for a time served as chairman of the finance committee of the Democratic State Committee. He represented old Ward Nine in the Boston Common Council for two years (1879–80) and afterward was elected to the Boston School Committee for a term of three years, but had only served a year when he was sent as the representative of that ward to the lower house of the Massachusetts Legislature. Elected as an independent Democrat from a strong Republican ward, he served with marked ability during the legislative session of 1882, being a member of the finance committee. He took a leading part in the Young Men's Democratic

movements in Massachusetts. In January, 1892, Hon. John E. Sanford, of Taunton, chairman of the Board of Harbor and Land Commissioners of the Commonwealth, was appointed chairman of the Board of Railroad Commissioners, and Mr. Swift was appointed by Gov. William E. Russell to succeed him as a member of the first named board, of which he was immediately chosen chairman. Mr. Swift's legal knowledge, good sense, and capacity for work which he displayed in the performance of his duties proved that his appointment was not misplaced, and he continued to fill the office with signal ability and satisfaction until July, 1894, when the term for which he had been appointed expired. In December, 1894, he was appointed by President Grover Cleveland, United States marshal for the District of Massachusetts. He assumed the responsibilities of the latter position January 1, 1895, and for more than four years discharged its duties with great credit and vigor. He was succeeded as marshal by Major Charles K. Darling on March 1, 1899.

Mr. Swift in collaboration with Russell Gray and the late Hon. Edmund Hatch Bennett, dean of the Boston University School of Law, compiled and edited the Massachusetts Digest from 1804 to 1879, in three volumes, published in 1881, and during the past year he has been lecturer on Sales at the Harvard Law School. He is a good lawyer and advocate, well grounded in the principles of the law, and possesses legal qualifications of a high order. In public office, as well as in the practice of his profession, he has displayed excellent ability and good judgment, and for several years has occupied a prominent place at the Boston bar. He is a member of the Bar Association of the city of Boston and of several clubs, and is secretary of the Association of the Alumni of Harvard College. He is unmarried.

WILLIAM BRADFORD FRENCH, Boston, son of Rev. William R. and Marcia (Bradford) French, was born in Lewiston, Me., February 13, 1848. He derives his middle name from his mother, who was a lineal descendant in the ninth generation of Gov. William Bradford, the historian and first governor of the Plymouth colony. His paternal ancestors removed from Abington, Mass., to Turner, Me., just prior to the Revolutionary war, and his grandfather, Daniel French, was one of Turner's early and respected farmers.



WILLIAM B. FRENCH.

Rev. William R. French, father of William B., was educated at Waterville College in the class preceding that of which the late Gen. Benjamin F. Butler was a member. He became an eminent Universalist minister, was settled for many years over the church in Turner, and was the author of several denominational books and treatises.

William B. French received his preliminary education in the district schools of Turner, Me., whither the family removed when he was a small boy. He was fitted for college at Westbrook Seminary, near Portland, from which he was graduated in July, 1866. The same year he entered Tufts College and was graduated therefrom in 1870, with honors, having an oration at commencement and holding membership in the Theta Delta Chi and in

the Mathletican, a popular debating society. During the next two years he was principal of the high school of Cohasset, Mass., and in the mean time took up the study of law privately. In September, 1872, he entered the law office of Daniel C. Linscott in Boston and remained there until his admission to the Suffolk bar December 6, 1873. Since then he has been actively and successfully engaged in general and commercial practice in Boston; he resides in Winchester.

Mr. French has had a large number of trade mark, insolvency, and bankruptcy cases. He was counsel in the case of Hoxie vs. Chaney, which involved the question of assignability of a personal trade mark. This case not only enunciates the principles of the assignment of a personal trade mark, but also questions regarding the manufacture of the goods put out under it. One of the most important insolvency cases was that of the Traders National Bank vs. Chipman, in which it was contended by the plaintiff that the State statute prohibiting preferences was in conflict with the United States banking act, because the latter gave to national banks the right to take mortgages to secure pre-existing debts, and because the application of the insolvency act to national banks had a tendency to destroy them and impair their efficiency, and was therefore unconstitutional. In this case the late A. A. Strout represented the Traders National Bank. Mr. Chipman, the assignee, had obtained a verdict in real action to set aside a conveyance to one of the bank's directors given to prefer the bank. After the recovery of the verdict, and while exceptions were pending in the Massachusetts Supreme Judicial Court, the bank brought a bill in equity to restrain Mr. Chipman from prosecuting his suit. There was a trial before a justice of the Supreme Court on this bill and a decree was entered dismissing it. The bank then brought a writ of error, taking the case to the United States Supreme Court for a hearing upon the constitutional question raised, and upon the question of the conflict between the State and the United States statutes. In the opinion rendered by Judge White the contention of the bank was overthrown, and it was decided that there was no conflict between the statutes, that the Massachusetts act was constitutional, and that national banks in the Commonwealth were subject to its provisions. The case is reported in 164 U. S. Reports, 347, and is one of the most interesting of the kind ever tried.

Mr. French has achieved a high standing at the bar, and is regarded as an able lawyer and advocate. He has been a lecturer on insolvency law at the Boston University Law School since the spring of 1895. He is a foundation member (in 1876) of the Boston Bar Association and of the University Club.

He was married December 24, 1875, to Elizabeth D., daughter of William L. Southard, of Portland, Me. They have one daughter, Margaret T.

ALBERT CAMERON BURRAGE, Boston, is the son of George Sanderson Burrage and Aurelia Chamberlin, and a direct descendant in the tenth generation of John Burrage, who settled in Charlestown, Mass., in 1636. In England the ancestry of the family is traced to 1559. On his mother's side he is descended from some of the earliest Scotch settlers of Vermont, and in the combination of this Scotch-English ancestry he inherited the sterling characteristics and fine mental attainments of a respected and honored people.

Mr. Burrage was born in Ashburnham, Worcester county, Mass., November 21, 1859, his father being a manufacturer. In 1862 the family moved to California, and there he spent his early life in vigorous employment and in attending the public and private schools. In 1879, having fitted himself for college, he returned to Massachusetts and entered Harvard, from which he was graduated with the degree of A. B. in the class of 1883. He spent the next year at the Harvard Law School, and was admitted to the Worcester county bar

September 19, 1884. On December 22, 1885, he was admitted to the bar of the United States Circuit Court. In 1884 he began the active practice of his profession in Boston, and soon came into prominence as an advocate and counselor of marked ability. Giving special attention to corporation law he became identified with large and important interests, and from 1893 to January, 1898, he devoted his attention mainly to the gas business of Boston,



ALBERT C. BURRAGE.

first as counsel for the Brookline Gas Light Company and later as president of the Boston, South Boston, Roxbury, Dorchester, and Bay State Gas Companies. He combined the affairs of these various corporations and as their chief manager conducted them with great skill and credit. On January 1, 1898, he sold his interests in these companies and resigned all his offices in them, and after taking a long vacation devoted himself to the copper industry, becoming in the autumn of that year the active head of several copper companies.

In 1892 Mr. Burrage was a member of the Boston Common Council, and from 1890 to 1894 he was a trustee of the Massachusetts Homeopathic Hospital. In 1894 Governor Greenhalge appointed him a member of the Boston Transit Commission, under which the great subway of the city was constructed, and he served in that capacity for two years and a half, when he resigned, his large law practice and business interests demanding his entire attention. He has been for many years an active and influential Republican, and for a time was chairman of the Republican committee of Ward Twenty-one and assistant secretary of the Citizens Association of Boston. He is a member of the Algonquin, Union, Roxbury, and Massachusetts Clubs, and for three years was secretary of the latter organization. Mr. Burrage is one of the ablest of the younger members of the Boston bar, and in business circles as well as in the active practice of his profession has achieved a high reputation and recognized success. He has filled every position with credit, satisfaction and honor.

Mr. Burrage was married November 10, 1885, to Alice Hathaway Haskell, daughter of Francis H. and Elizabeth (Russell) Haskell, of Boston, and their children are Albert Cameron, jr., Francis Haskell, Russell, and Elizabeth Alice.

WILLIAM CUSHING WAIT, LL.B., A. M., Boston, is the son of Elijah Smith Wait and Eliza Ann Hadley, a grandson of Nathan Williams Wait, of Medford, Mass., a great-grandson of Nathan Wait, also of Medford, and a lineal descendant of Capt. John Wayte, who came from England to Malden, Mass., about 1638. John Wayte emigrated to this country from Weathersfield, County Essex, with Joseph Hills, of Malden, England, whose daughter, Mary Hills, became his wife. Mr. Hills was the founder of the town of Malden in Massachusetts, and both he and Mr. Wayte were members of the General Court. Mr. Wait's direct ancestors resided in Malden for many generations. He is also descended from Isaac Stearns (or Sterne), who came to Watertown in 1630. His mother, a woman of rare intellectual attainments, was

the daughter of William Hadley, of Stoneham, and Elizabeth Richardson, his wife, of Medford.

William Cushing Wait was born in Charlestown, now a part of Boston, Mass., December 18, 1860, and received his early instruction from his mother, who had been a school teacher. He also attended the Charlestown public schools until he was ten years old and afterward the public schools of Medford, whither the family removed in 1870, and where his father held several town offices. He prepared for college at the Medford High School under Loren L. Dame, and was graduated from Harvard University in 1882, receiving the *summa cum laude* degree with highest honors in history. He was also made a member of the Phi Beta Kappa fraternity, and had as his classmates the late Hon. Sherman Hoar, Prof.



WILLIAM C. WAIT.

George L. Kittridge, and others. He read law at the Harvard Law School, graduating with the degree of LL.B. and A. M. in 1885, and was admitted to the Suffolk county bar July 21, 1885, to the bar of the Circuit Court of the United States May 15, 1888, and to the bar of the United States Court of Appeals in 1891.

Mr. Wait began practice in Boston in the office of Hon. Nathan Matthews, jr., subsequently mayor of the city. In 1886 he opened an office for himself, and in 1890 he formed a copartnership with Samuel J. Elder under the firm name of Elder & Wait, with offices in the Ames building. A little later Edmund Allen Whitman was admitted to the firm, which adopted its present style of Elder, Wait & Whitman. Mr. Wait, through his ability and industry as a lawyer, rapidly gained a high standing at the bar. He is the author of articles on "Representations as to Character," "Statute of Frauds," "Marine Insurance," and "Jettison" in the first edition of the American and English Encyclopedia of Law. He has resided in Medford or West Medford since his boyhood, or 1870, although, owing to the removal of his parents to Chicago in 1877, he is registered at Harvard College as from Chicago. In 1892 he was a member of the special committee appointed to secure a charter for the city of Medford, and not only had an important part in drafting that charter, but was very active and influential in organizing the city government and in other municipal affairs. He has been a member of the Medford Sinking Fund Commission since 1892, a member of the Medford School Committee since 1894, and a member of the Democratic Town and City Committee for several years. He was an alderman of Medford in 1893, and declined a renomination, and in 1890 and 1891 was the Democratic candidate for representative from that town to the Massachusetts Legislature, being defeated both times by Hon. William B. Lawrence. In 1895 he was defeated for the same office by Samuel N. Mayo. He was chairman of the committee of twenty which made the no-license law in Medford effective, and in December, 1898, was nominated for mayor of the city on a citizens' ticket. Although a Democrat in politics he has decided independent proclivities, and with the late Hon. Sherman Hoar was one of the original Cleveland men in Harvard.

Mr. Wait was an early advocate of tariff reform, and is a member of the New England Tariff Reform League, of the Medford Tariff Reform League, of the Young Men's Democratic Club of Massachusetts, of the Medford No-License League, and chairman of the executive committee of the Massachusetts Reform Club. He is also a member of the Harvard Law School Association, of the Athletic Association of Harvard Graduates, of the Bar Association of the city of Boston, of the Royal Arcanum, of the Colonial Society of Massachusetts, of the Medford Club, and of the Medford Comedy Club. He is an honorary member of the Arlington Historical Society, a member of the Malden Historical Society, and a charter member and a principal organizer of the Medford Historical Society, which he has served as president from the first, and to which he has contributed several important papers. In 1882 he was in the office of the late Col. George E. Waring, jr., in Newport, R. I., engaged upon the social statistics of cities for the Tenth United States census, and wrote numerous sketches of places for the work. In every position Mr. Wait has served with great honor and ability, and in public capacities as well as at the bar has achieved an enviable reputation.

He was married January 1, 1889, to Edith Foote Wright, daughter of John S. and Mary Clark (Green) Wright, of Medford, Mass., and granddaughter of Elizur Wright and Rev. Beriah Green, two eminent anti-slavery leaders, the latter being president of the first anti-slavery congress in 1833. They have no children.

ARTEMAS WARD LAMSON, Dedham, is the son of Alvan and Frances Fidelia (Ward) Lamson, and a direct descendant of William Lamson, who came from County Durham, England, to Ipswich, Mass., in 1637. His mother was the daughter of Hon. Artemas Ward, LL.D., chief justice of the Court of Common Pleas from its organization in 1821 until he resigned in 1839, whose memoir appears in this work, and a granddaughter of Gen. Artemas Ward, of Shrewsbury, Mass., an officer in the war of the Revolution.

Mr. Lamson was born in Dedham, Norfolk county, Mass., March 24, 1830, and was named for his maternal grandfather, who with General Ward were two of the most distinguished men of their day in New England. He received his primary education in the private schools of his native town and at D. G. Ingraham's private school in Boston, and was graduated from Harvard College with honors in 1849, having an English oration at commencement. As a student he took high rank with his classmates, among whom were James Walker Austin, a justice of the Supreme Court of the Hawaiian Islands; Charles F. Choate and Charles R. Codman of the Boston bar; Horace Davis, member of congress; Thornton K. Lothrop, a prominent lawyer of Boston; Lemuel Shaw, jr., son of the great chief justice, Lemuel Shaw, and many others equally eminent in professional and public life. In March, 1851, Mr. Lamson entered the Harvard Law School, from which he was graduated with the degree of LL.B. in July, 1852. He



A. WARD LAMSON.

continued his legal studies in Boston with John J. and Manlius S. Clarke and Hon. Elias Merwin, and was admitted to the Suffolk bar April 10, 1854.

Immediately after his admission to practice Mr. Lamson occupied the same office with his maternal uncle, Samuel Dexter Ward; and since Mr. Ward's death in May, 1871, he has practiced alone. His relations with his uncle were not as a partner, but as an office associate. He has devoted himself chiefly to office business, especially in later years, and has long been engaged in matters relating to trusts, estates, probate, etc., his work from the first being of a civil nature. He has always practiced in Boston, but has resided since his birth in Dedham, Mass., where he was for several years a trustee of the Dedham Public Library. He became an early member of the Dedham Historical Society, of which he is a curator, a position he has held for a long time.

Mr. Lamson was married January 27, 1891, to Rebecca Langdon Prince, daughter of William G. Prince, of Dedham, and a descendant of one of the oldest families in New England.

GEORGE SHERMAN LITTLEFIELD, Winchester and Boston, son of George Thomas and Anna (Thorpe) Littlefield, was born in Watertown, Mass., April 27, 1851, and when one year old went with the family to Somerville, near Boston, where he spent his early life. His father was for forty-seven years a distinguished teacher, being an instructor in mathematics in Chauncey Hall School, Boston, and afterward principal of schools in Chelsea, Watertown, Somerville, and Charlestown (both before and after annexation); he was a member of the Somerville Light Infantry before the war, and died in November, 1896, after a period of retirement, widely known and respected. Mr. Littlefield is descended in the ninth generation from Agnes (or Annis) Littlefield, who came from England with several children and settled among the pioneers in Wells, Me., and who was subsequently joined by her husband. A part of the line is as follows: Nathaniel Littlefield, sr., of Norfolk county, Mass.; Nathaniel Littlefield, jr.; Aaron Littlefield of Stoughton, Mass.; Moses Littlefield, son of Aaron, of Stoughton, who married a daughter of Moses Mann, a descendant of John and Priscilla (Mullins) Alden, of the Mayflower; and Thomas Littlefield, who was born in Stoughton and settled in Randolph, Mass., where George Thomas Littlefield was born. Thomas married Lucinda Sherman, a granddaughter of Roger Sherman, one of the framers and signers of the Declaration of Independence. Anna (Thorpe) Littlefield, mother of the subject of this sketch, was the daughter of Elipha-let Thorpe, a prominent paper manufacturer, justice of the peace, etc., of Dorchester and later of Athol, Mass., and Ruth Fenno, his wife, a daughter of Charles Fenno, of Milton, Mass.



GEORGE S. LITTLEFIELD.

Ruth Fenno was descended through her mother from the Tucker family.

George S. Littlefield is thus descended on both sides from some of the oldest families of Massachusetts, and from several of the passengers of the Mayflower, and through a long line of ancestors inherited the sturdy intellectual and physical characteristics of a typical New

Englander. He also possesses those strong mental attributes which made his father a noted educator. After attending the public schools of Somerville he entered the Somerville High School, from which he was graduated in 1866, being the first student to receive his collegiate preparation and enter college from that institution. He was graduated from Harvard College in 1870, after a regular four years' course, with such men as Richard T. Greener, Babson S. Ladd, Godfrey Morse, Otis Norcross, Henry Parkman, William W. Vaughan, Hon. William F. Wharton, and Governor Roger Wolcott, all but the first of whom are members of the Boston bar. During this period Mr. Littlefield also had some experience in teaching by acting at intervals as substitute for his father and others. On leaving college in 1870 he began the study of law with Oren S. Knapp, then a prominent attorney in Barristers' Hall, Boston. He subsequently pursued his legal studies with Mr. Knapp and Hon. Selwyn Z. Bowman, partners, at the Harvard Law School for one year, and finally in the office of the late Hon. Ebenezer Rockwood Hoar, and was admitted to the Middlesex bar at Cambridge in October, 1872. He continued with Judge Hoar for a few months, and then opened an office for himself in Barristers' Hall. Afterward he practiced for a time at 60 Devonshire street, for nineteen years at 28 State street, and since September, 1897, at 27 State street, Boston; with the exception of one year, when he was in partnership with Joseph F. Wiggin and Benjamin M. Fernald, he has followed his profession alone.

Mr. Littlefield has devoted himself assiduously to a general civil practice, which has developed especially in the the line of probate matters and conveyancing. He has had a large and successful court business, but his work has been largely in the capacity of chamber counsel, in which he has won an excellent reputation. Possessed of marked ability, of sound judgment, and of a broad and accurate knowledge of the law, he has steadily achieved a leading place at the bar of Suffolk county, and by his own efforts has gained both honor and success. He has resided in Winchester, Mass., since 1874, and during two periods of four and fifteen years respectively was a member of the Winchester School Committee, retiring in 1898. For about twelve years he was chairman of the board. His services in this connection were marked by ability, fidelity, and untiring industry, and to him is largely due the continuous advancement of the schools of that town, an advancement all the more noteworthy when it is recalled that the Winchester schools were among the first in the country to institute and adopt the modern ideas of progressive education. Prior to the public announcement of Charles W. Eliot, president of Harvard College, of the idea of enrichment of the grammar school course, the Winchester schools had had in operation, for at least six years, a course of advanced study, embracing natural history, Latin, French, physics, the higher mathematics, etc., which has been continued and improved. These ideas were very largely the result of Mr. Littlefield's foresight and energy, and were all instituted during his early membership in the School Committee. During his term of service, also, there was a general introduction of the kindergarten system in the Winchester schools, and it is said that there are now more children in this department in Winchester than in any other city of the size in the country.

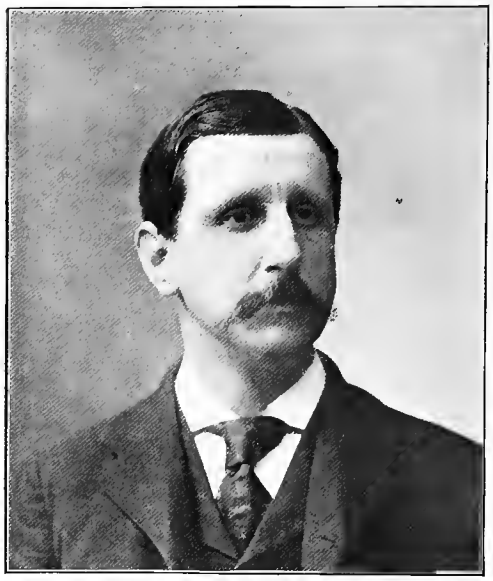
In politics Mr. Littlefield has always been an active and ardent Republican, serving as delegate to various Republican conventions, and taking a prominent part in the councils of the party. He was for seven years a trial justice in Winchester, and when the Fourth District Court of Eastern Middlesex was established in July, 1882, he became its senior special justice, which position he still holds. He has been counsel for the town of Winchester since 1895, counsel for the Winchester Savings Bank since 1888 and a member of the standing committee of the Winchester Unitarian Society since 1896. He is a member and past master of William Parkman Lodge, F. & A. M., of

Winchester, a member and past high priest of Woburn Chapter, R. A. M., a life member of Boston Commandery, K. T., an original member of the Middlesex Bar Association, and vice-president of the Amateur ("Gilt Edge") Bowling League of Boston and vicinity. His career at the bar, in official capacities, and as a citizen has been marked by ability, industry, unswerving integrity and honor.

Mr. Littlefield was married June 29, 1874, to Georgiana, daughter of George C. and Mary (Ayer) Stevens, of Charlestown and later of Somerville, Mass. They have two children: Anna Sherman and Arthur Stevens Littlefield.

WILLIAM BELTRAN DE LAS CASAS, Boston, the youngest and only surviving one of the five sons of Francisco Beltran and Elizabeth (Pedrick) de las Casas, was born March 3, 1857, in Malden, Mass., where he has always resided. His father was a man of culture and education, and in 1820 was exiled from Spain, his native country, for the active part he took in a revolution to secure constitutional government. Going to Cuba he became a conspicuous figure in that island, especially in the Revolution of 1824–25, better known as the first movement to obtain autonomy, and on account of his political activity was compelled to seek the freedom of this country. He came to New York in 1826, and afterward taught in Troy and Albany, in Williams and Amherst Colleges, and in other places, and for many years was one of the leading teachers of languages, painting, etc., in the best private schools and families in Boston. He died in Malden in 1887, widely esteemed and honored. His wife, Elizabeth, was the daughter of John Pedrick and Elizabeth Carder Fettyplace, of Marblehead, Mass., and by her father a cousin of Judge Joseph Story.

William B. de las Casas was graduated from the Malden high school in 1875, and the same year entered Harvard College, from which he was graduated in the class of 1879. He then taught mathematics in Trinity School at Tivoli on the Hudson for two years, and on returning home entered the Harvard Law School and was graduated with the degree of LL. B. in 1884. He continued his legal studies in Boston with the late Robert D. Smith and was admitted to the Suffolk bar in January, 1885. Since then he has been successfully engaged



WILLIAM DE LAS CASAS.

in the general practice of his profession in Boston, with offices continuously at 40 Water street.

Mr. Casas has achieved recognized prominence at the bar. He is an able lawyer and advocate, well grounded in the principles of the law, and especially strong in that department relating to real estate, in which he has had large experience. In his own city he has developed and built up one of its most attractive portions. For several years he has also been active in various public affairs. In 1882 he became secretary of the Malden Civil Service Reform Association and Malden's representative in the executive committee of the Massachusetts State Reform League. He held those positions for some time, rendering efficient service in the cause of civil service re-

form, and for nine years was also a member of the general committee of the National Civil Service Reform League. In politics, too, he became a conspicuous leader, serving as secretary of the Malden Independent Club, which supported Cleveland, in 1884, as chairman of the Sixth Congressional District Democratic Committee, as a delegate to various local and State Democratic conventions, and as chairman of the executive committee of the Malden Democratic City Committee, which sent a Democratic representative to the General Court for the first time in thirty years. In 1891 he was the party nominee for the Governor's Council, but was not elected. In 1892 Governor Russell appointed him a member of the preliminary Metropolitan Park Commission as a colleague of Charles Francis Adams (chairman) and Philip A. Chase. The board made the report which resulted in the appointment of a permanent commission to lay out the Metropolitan Parks System in a district made up of Boston and thirty-six neighboring cities and towns. Mr. Casas was made a member of this permanent commission in July, 1893, and in 1895 succeeded Mr. Adams as chairman. He still holds that office, having been reappointed in 1897 by Governor Wolcott for the full term of five years.

In his own city Mr. Casas has been a trustee of the Malden Hospital from its foundation, and was one of the sub-committee of three which built it. He has been a warden of St. Paul's Episcopal church since 1885, and is a member of the Kernwood Club, Board of Trade, and various other organizations, including the Malden High School Literary Association, of which he was a founder in 1872. He is also a member of the Malden Historical Society, and for a time was treasurer of the Middlesex Institute and an officer of the Malden Improvement Association. In Boston he is a member of the Bar Association, of the Bostonian Society, and of the Union Club, and for eight years served in the First Corps of Cadets. He is a member of the Harvard Law School Association and of some organizations outside of Massachusetts. He has traveled extensively, especially in Spanish countries, and is unmarried.

CHARLES KIMBALL DARLING, Boston, United States marshal for the District of Massachusetts, is the son of Joseph Kimball and Mary Alice (Knight) Darling, and was born in the town of Corinth, Orange county, Vt., June 28, 1864. His father is an eminent lawyer in that State, residing in Chelsea, and traces his descent through several generations to some of the earliest and sturdiest families of Maine and New Hampshire. On his mother's side he is descended from John Knight, who came from England to Newburyport, Mass., in 1635.

Colonel Darling received his preparatory



CHARLES K. DARLING.

education in the public schools of Corinth and at Barre (Vt.) Academy, from which he was graduated in 1881. The same year he entered Dartmouth College, graduating in the class of 1885 with A. B. Among his classmates were Samuel H. Hudson, John H. Colby, and Edwin A. Bayley, of the Boston bar; Richard Hovey, the poet; Judge Nathan Washburn, of Middleboro, Mass., and others. He was also

for two years a cadet at the United States military academy at West Point. In 1893 he received from Dartmouth the degree of A. M. He went to Fitchburg, Mass., in 1886, and was there employed in various capacities by the Fitchburg, Old Colony and Cheshire Railroads until 1891, when he became connected with the Fitchburg Daily Sentinel. He continued on the editorial staff of that paper until 1893, when, having privately taken up the study of law, he entered the Boston University Law School, from which he was graduated with the degree of LL.B. in June, 1896, being admitted to the Worcester county bar in June, 1895. Since 1896 he has practiced his profession in Boston. He was appointed by President McKinley on February 8, 1899, marshal of the United States for the District of Massachusetts.

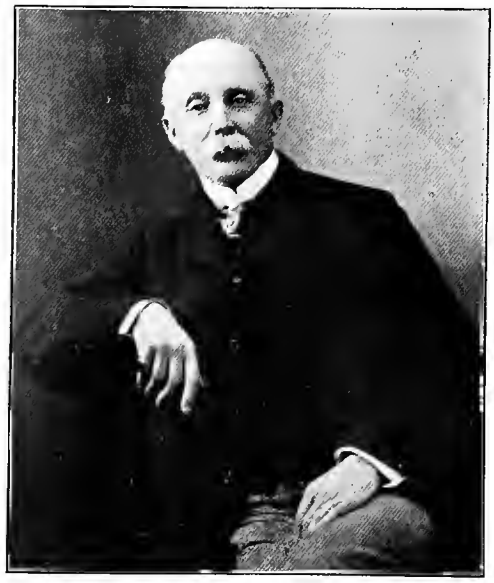
In 1894 Colonel Darling was appointed editor of the "Early Laws of Massachusetts" in the office of the secretary of the Commonwealth. He has published several volumes of the early laws, the work covering a period of twenty-six years from the adoption of the Constitution in 1780 to 1806. He has been conspicuous in military affairs since September, 1887, when he was appointed sergeant-major of the Sixth Regiment, Massachusetts Volunteer Militia, in which he was commissioned adjutant in February, 1889, and major in April, 1893. When the Sixth Regiment was mustered into the United States service on May 13, 1898, he was commissioned a major of volunteers, and as such accompanied the organization to Cuba and Porto Rico, where it participated in the war with Spain, and where he became its senior field officer. He was commended by General Garretson for gallantry and coolness under fire, and was brevetted by Congress for meritorious service soon after the regiment was mustered out of the United States service, which occurred on the 21st of January, 1899. On January 1, of that year, Colonel Darling published in the Boston Globe an extended historical sketch of the regiment's service in the United States volunteer army, covering especially its work in Porto Rico. General Garretson, in his final order to his brigade, "congratulates the officers and men of the 6th Massachusetts Volunteer Infantry that, having had, to a greater extent than others of my command, an opportunity to show their efficiency under fire, they have not failed under the test." When the regiment was mustered out of the United States army and again became a part of the Massachusetts Volunteer Militia in January, 1899, he resumed his former official duties as its major, but was shortly afterwards elected and commissioned colonel. He has also been prominent in the order of the Sons of Veterans, U. S. A., having passed through the various camp and division offices to the command of the Massachusetts Division in 1891 and 1892, and being appointed by Commander-in-Chief Joseph B. Maccabe in 1893 adjutant-general of the organization. At the thirteenth annual encampment held at Davenport, Iowa, in August, 1894, he was chosen a member of the council-in-chief and was made secretary of that body, and at the seventeenth annual encampment held at Indianapolis in 1897 he was elected commander-in-chief and served one year.

In politics he is an ardent Republican, and while living in Fitchburg was active and prominent in public affairs, serving as a member of the Fitchburg School Committee for three years and as clerk of the Common Council and of committees for several terms. As a public speaker, especially on patriotic occasions, he has gained a wide reputation, and as a writer on military, historical, legal, and other subjects he has achieved honor. His numerous contributions to newspapers and magazines bear evidence of a good degree of skill and ability, and through them as well as through his connection with military affairs he is well known. He is an able lawyer, a public spirited citizen, and a man thoroughly imbued with patriotism. He is vice-president of the Boston Chapter and historian of the Massachusetts Society of the Sons of the American Revolution, a corresponding mem-

ber of the Fitchburg Historical Society, and a member of the Vermont Association and of the University Club of Boston. In 1893 he removed from Fitchburg to Boston, where he still resides, and upon graduating from the Boston University Law School in 1896 he was appointed instructor in criminal law at that institution, which position he still holds. He is unmarried.

OSCAR BROWNELL MOWRY, A. M., Boston, is the son of Warren B. and Hannah A. (Brownell) Mowry, and was born in Woonsocket, R. I., where he spent his early life. He was graduated from the Woonsocket High School in 1859 and then entered Brown University, where he distinguished himself as a scholar, graduating A. B. with honor in 1863 and receiving the degree of A. M. in course in 1866. While there he has elected a member of the Delta Kappa Epsilon fraternity. On leaving college Mr. Mowry entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1865, and continued his legal studies in Boston in the office of the late Charles Theodore Russell, father of Governor William E. Russell. He was admitted to the Suffolk bar March 17, 1866, and at once formed a copartnership with Thomas L. Sturtevant, which continued about five years under the firm name of Mowry & Sturtevant. Since then he has practiced alone.

Mr. Mowry has devoted himself to a constantly increasing general civil law business, which has developed in later years largely in the line of probate and trust matters. He is a trustee of several important estates. As an advocate he has achieved an honorable reputation in both the State and United States Courts, having in all these tribunals in Boston an extensive practice. In the many important cases with which he has been connected he has displayed marked ability and skill. He is a man of broad intellectual powers, of excellent judgment, and of quick comprehension, and for several years has held a prominent place at the Boston bar. In politics he is an ardent Republican. He was a member of the Boston Common Council for three years, representing in 1877, 1878 and 1879 the Back Bay district, his colleague from that district being Gov. Roger Wolcott. In 1880 Mr. Mowry removed to Longwood in Brookline, where he still resides, and where he has been active and influential in various local affairs. He has been

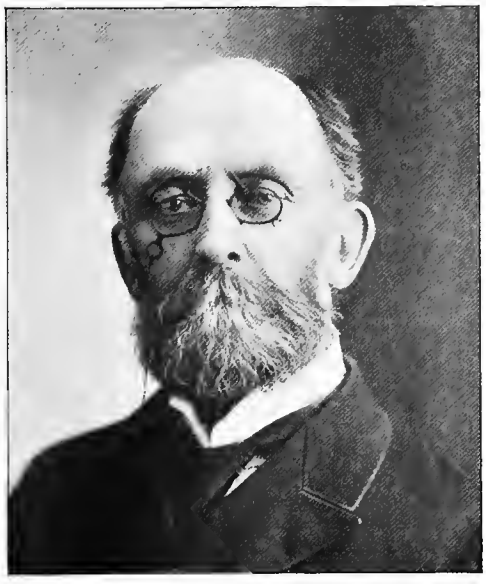


OSCAR B. MOWRY.

for several years past a member of the Brookline Water Board, and is also at the present time a member of the board of management of the Brookline public baths. He is a member of Trinity church, Boston, and of the Riverdale Casino in Brookline, serving as a member of its house committee since the club house was built and being now the committee's chairman. He is a member of the Boston Bar Association, and as a citizen he is public spirited and enterprising, always taking an active interest in the welfare of the community.

Mr. Mowry was married in 1879 to Georgianna J., daughter of George C. Goodwin, founder of the well known firm of George C. Goodwin & Co., of Boston.

HENRY HYDE SMITH, A. M., Boston, is the son of Greenleaf and Nancy (Churchill) Smith, both natives of Maine, and was born at Cornish in that State on the 2d of February, 1832. On his mother's side he is a lineal descendant of John Churchill, one of the early settlers of Plymouth, Mass. His paternal grandfather, Theophilus Smith, was born in Newmarket, N. H., married Sarah



HENRY H. SMITH.

Pike, of Epping, and became a pioneer of Cornish, Me., where he rose to the rank of captain in the old militia. Greenleaf Smith, son of Theophilus and father of the subject of this article, was a respected farmer in Cornish and achieved more than a local reputation as a tenor drummer.

Mr. Smith received his preparatory education at Parsonsfield Seminary and Bridgton and Standish Academies in his native State, and was graduated A. B. with honors from Bowdoin College in 1854. Among his Bowdoin classmates were Dr. John Abbott Douglass, of Amesbury, Mass.; the late Rev. William Packard Tucker, D. D., archdeacon of Rhode Island; Hon. William Drew Washburn, United States senator from Minnesota; Dr. Samuel Freeman, of Everett, Mass.; Franklin A. Wilson, president of the Maine Central Railroad Company, of Bangor; the late James R. Osgood, the noted publisher; John G. Stetson, of Boston, clerk of the United States Circuit Court of Appeals; Ambrose Eastman and Daniel C. Linscott, of the Boston bar; and Major Charles Peleg Chandler, of the 1st Mass. Vols., and Chaplain George Washington Bartlett, who were killed in the Civil war, and whose names appear on tablets in Harvard's Memorial Hall at Cambridge. This class of thirty-five members produced many men who went out from the halls of old Bowdoin to win distinction in the various professions. Mr. Smith took high rank in college, won a sophomore declamation prize, was assigned a "junior part," and was elected a member of Theta Chapter of the Delta Kappa Epsilon fraternity. In 1857 he received from his alma mater the degree of A. M. in course. He interspersed his studies with teaching, and with his earnings was enabled to pay a large part of his college expenses. In 1852–53 he taught as first assistant the winter and spring terms of Foxcroft Academy in Maine, and during the winter term of 1853–54 he was principal of Litchfield (Me.) Academy. Immediately after graduating he became assistant to Alvin Boody (Bowdoin 1847) in Fryeburg Academy, and the following year was associated with his classmate, John G. Stetson, in charge of Grove School at Cedarville, Ohio. During the next two years (1856–58) he was principal of the academy at Fryeburg, Me. As a teacher he was eminently successful.

In 1858 he entered the Harvard Law School and was graduated therefrom in 1860 with the degree of LL.B. He also pursued his legal studies in the office of Fessenden & Butler, of Portland, Me., where he was admitted to the Cumberland county bar February 2, 1860. He began the active practice of his profession at Portland in partnership with his classmate, John G. Stetson, but in 1861 removed to Fryeburg, Me., where he remained until 1867. There he built up a successful

business and won considerable reputation as a lawyer and advocate. In the last mentioned year he established himself in practice in Boston, where he still continues, his residence being at Hyde Park, one of the city's fashionable suburbs. Mr. Smith was admitted to the Suffolk bar July 18, and to the bar of the United States Circuit Court, Massachusetts district, November 9, 1867, and has been a master in chancery for the county of Suffolk since 1881. He soon came into prominence as an able, industrious and painstaking lawyer and advocate, and rapidly gained a large clientage. Of late years, however, he has practiced largely as master and auditor, in which capacities he has achieved a leading reputation. As master he sat in an important hearing which involved the dissolution of a biscuit manufacturing company and the division of property valued at about $173,000, and also in the celebrated Josiah Dunham will case, which had been running in the courts of Suffolk county for more than one-third of a century. In both of these cases, as in many others almost equally important, his reports formed the basis of settlement. Mr. Smith is systematic and methodical in all his work, and has displayed uncommon good judgment and sound common sense. In short, he has exhibited high judicial qualifications. He is a thorough scholar, a careful student of the science of law, and a man of broad and comprehensive knowledge. His long and active career at the bar, his connection with many important cases, and his work as master and auditor have given him an excellent rank among Boston's lawyers. Since coming to Boston more than thirty years ago he has practiced alone. In politics Mr. Smith is a Republican. He is a member of the American and Boston Bar Associations and of the Protestant Episcopal church, and as a citizen is public spirited, progressive and patriotic.

He was married at Fryeburg, Me., December 24, 1861, to Mary Sherburne Dana, daughter of the late Hon. John Winchester Dana and Eliza Ann (Osgood) Dana. Mr. Dana was president of the Maine Senate, governor of Maine in 1848, 1849, and 1850, and minister to Bolivia during the administrations of Presidents Pierce and Buchanan. Governor Dana's wife was the daughter of James Osgood, of Fryeburg, who is said to have been one of the most brilliant men in that section of the country. Mr. and Mrs. Smith have an only son, Winchester Dana Smith, who, on the Dana side of the family, is a lineal descendant of Gen. Israel Putnam and of Eleazer Wheelock, the first president of Dartmouth College.

JAMES WOODWARD EMERY, Portsmouth and Cambridge, was the son of Samuel and Ruby (Woodward) Emery, and was born in Haverhill, Mass., November 30, 1808. His paternal ancestors settled in Newburyport about 1636, many of the members of



JAMES W. EMERY.

the various generations being lawyers. On his mother's side he was a grandson of Judge James Woodward, of Haverhill, N. H.

Mr. Emery was graduated from Dartmouth College with honor in the class of 1830, and after reading law in Portsmouth was admitted

to the New Hampshire bar in 1833. He was associated with Ichabod Bartlett in active practice until the latter's death in 1853, and afterward alone for a few years with an ample clientage. The firm of Bartlett & Emery constituted a fortunate combination of legal qualities, Mr. Bartlett being a brilliant advocate and Mr. Emery being emphatically a worker, with no ambition for display, but eager and earnest for success. Mr. Emery was not only an able lawyer, but became one of the foremost business men of his time. While residing in Portsmouth he was the chief promoter, if not the projector, of the Portsmouth and Concord Railroad, and for many years was the legal adviser and one of the principal supporters of the enterprise. He was a representative in the New Hampshire Legislature for six terms between 1844 and 1874. In 1873 he was speaker of the House.

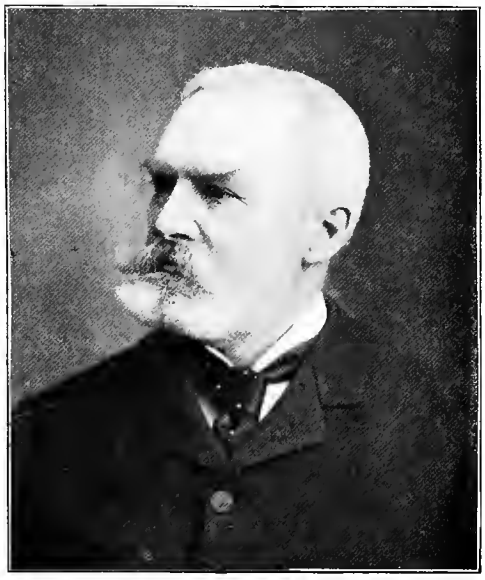
In 1857 he moved to Cambridge, Mass., and became president of the Union Horse Railroad Company, which was successful under his management. He was also one of the projectors and leading promoters of the European and North American Railroad and was largely interested in coal mines in Nova Scotia. In 1870 he returned to Portsmouth, N. H., and afterward gave but little attention to the practice of law, devoting himself to the duties of a director in banks, railroads, and other trusts. Mr. Emery was a man of sterling character and high standing, upright, frank, honest, and universally respected. His integrity and honesty of purpose were never questioned. At the bar he gained an honorable reputation, and although he gave much time during the later years of his life to extensive business interests, yet he always kept in touch with his profession, and even until his death gave more or less attention to practice. At the time of his decease he was president of the Rockingham County Bar Association. In public office he displayed the same marked ability and broad intellectuality which distinguished his legal career, and in these connections as well as in business he was eminently successful. He died in Portsmouth on the 16th of December, 1891, widely honored and highly esteemed.

Mr. Emery was married August 15, 1837, to Martha Elizabeth, daughter of Andrew Watkins Bell, a sea captain, and Elizabeth Manning, of Portsmouth, N. H. She is a descendant of the Pepperells, Frosts, Sheafes, and other prominent colonial families. They had three daughters and four sons, of whom Woodward Emery, a lawyer in Boston, noticed in another sketch in this work, is one.

WOODWARD EMERY, of Cambridge, is the eldest surviving son of James Woodward Emery and Martha Elizabeth Bell, and was born in Portsmouth, N. H., September 5, 1842. He is descended in the ninth generation from John Emery (son of John and Agnes Emery), who was born in Romsey, Hants, England, September 29, 1598, and who sailed from Southampton with his brother Anthony, in the ship James, on April 3, 1635, and landed in Boston on the 3d of June of the same year. John Emery soon settled in Newbury, Mass., where he held several town offices, and is recorded among the ninety-one freeholders in December, 1642. His son John (2) who came over in 1635, was married on October 2, 1648, to Mary, daughter of John and Mary Webster, and was prominent in the town of Newbury, serving as selectman, juryman and tythingman. A part of the land that was granted to him is still in possession of the family. The line thenceforward is (3) John Emery, who married Mary Sawyer; (4) John, who married Mehitable Short; (5) Moses, who married Lydia Emery, a descendant of the original John; (6) John, who married Elizabeth Woodman; (7) Samuel, who married Ruby Woodward, daughter of Judge James Woodward of Haverhill, N. H.; (8) James Woodward Emery, only son of Samuel and Ruby (Woodward) Emery; and (9) Woodward Emery, the subject of this article.

James Woodward Emery, born November

30, 1808, was graduated from Dartmouth College in 1830, and read law with, and after his admission to the bar became associated with, Hon. Ichabod Bartlett, of Portsmouth, N. H. He was several times a representative to the State Legislature and its speaker in 1873. He was successful as a lawyer and in many projects for the development of steam and street railways, as well as coal mines in Nova Scotia.



WOODWARD EMERY.

August 15, 1837, he married Martha Elizabeth, daughter of Andrew Watkins Bell and Elizabeth Manning, of Portsmouth. Mrs. Martha Elizabeth (Bell) Emery is of the eighth generation in descent on several lines of New England colonial ancestry of repute, among them Colonel Pepperrell, the father of Sir William, of Louisburg fame. The Emerys were mainly farmers and lawyers; while the ancestors of Mrs. Emery were most of them merchants and sailors.

Woodward Emery attended the private schools of Portsmouth and was graduated from Harvard College in 1864. Mr. Emery was graduated from the Harvard Law School with the degree of LL.B. in 1866, and after spending a year in the Boston offices of the late Henry W. Paine and Hutchins & Wheeler, was admitted to the Suffolk bar in July, 1867. Since then he has been actively engaged in the practice of law in Boston. His first case in the Supreme Judicial Court was that of Meagher v. Driscoll, in which it was established that an action of trespass would lie for disturbing the body of a child buried in a Roman Catholic cemetery, and that the wounding of the feelings of the parent of the child was an element of the damages recoverable. Mr. Emery had a large number of cases for the old Union Street Railway Company of Cambridge, and procured the city of Cambridge to be enjoined for discharging sewerage into Broad Canal, whereby that city was compelled to change its system of sewers. He has been counsel, clerk, treasurer, and president of various corporations, whence he has been led to give special attention to corporation law. In June, 1872, he was appointed special justice of the Police Court of Cambridge, which office he filled satisfactorily until his resignation in 1878. He has resided in Cambridge since 1860, was a member of the Cambridge Common Council in 1877 and 1878, and a representative from that city to the House of Representatives of the Massachusetts Legislature in 1885. In the latter body he was chairman of the committee on towns, and established a reputation as an able and conscientious legislator. In 1894 he was appointed by Governor Greenhalge to the Commonwealth Harbor and Land Commission, the chairmanship of which he still holds. This board has the care of all the tidewaters in the Commonwealth, the Great Ponds, and the Connecticut River, so that no structures can be erected lawfully therein without a license therefor being first obtained. It also has charge of the Commonwealth's lands. During the past four years this commission has been called upon to perform an immense amount of important work of which special mention may be made of Boston Harbor and the reclamation of large tracts of sand at Provincetown. The duties of the commission have grown in scope and importance, and under Mr. Emery's able and efficient leadership it has ac-

complished a vast work. By a legislative act of 1895 the governor appointed a board of inquiry to investigate the wants of the port of Boston with reference to the expediency of establishing public ownership and control of the docks and wharves, and improving the terminal facilities in connection therewith; and as chairman of that board Mr. Emery rendered valuable and effective service. The board made an exhaustive report to the Legislature in January, 1896, and many of its important recommendations have been adopted into the policy of the Commonwealth.

Mr. Emery is an able lawyer, a man of broad and comprehensive knowledge, and has achieved a high standing among his associates. He is a foundation member (1876) of the Boston Bar Association.

December 5, 1878, he married Anne Parry Jones, daughter of William Parry and Mary Ann (Prince) Jones, of Portsmouth, N. H., and a descendant of Elizabeth Penn, sister of Sir William Penn; they have two children living, viz.: Frederick Ingersol Emery, born July 27, 1881, a student at Harvard College, class of 1902, and Helen Prince Emery.

JAMES EDWARD COTTER, Boston, is the son of James and Margaret (Callaghan) Cotter, and was born in County Cork, Ireland, in 1847. Left motherless in childhood, he came to Marlboro, Mass., in 1855, where his father became the owner of a small farm, upon which the lad spent his early life. Working hard summers and attending the public schools during the winter months he acquired a rugged constitution and sterling qualities of self-reliance, which have served him admirably ever since. He also attended the State Normal School at Bridgewater, Mass., and then took up the study of law in Marlboro with William B. Gale, the leading lawyer in that section. Mr. Cotter was admitted to the Middlesex bar in January, 1874, and then removed to Hyde Park, Mass., where he continued to reside.

In 1875 he opened an office in Boston, where he has continued to practice his profession with success in the State and Federal courts, being admitted to the bar of the United States Supreme Court in 1892. He has been connected with many important cases, being counsel in suits over the water supply of cities and towns, and also in land damage suits, in will cases, in a variety of actions of



JAMES E. COTTER.

tort for personal injuries, and in suits against insurance companies. He was senior counsel for and successfully defended the section master of the Old Colony Railroad who was charged with the immediate responsibility for what was known as the Quincy disaster of August 9, 1890. He and J. W. McAnarney defended Anna M. Makepeace, who was indicted for shooting and killing her husband at Avon in September, 1891; after two trials the accused was discharged. He was senior counsel for the city of Quincy in the controversy between that city and Dartmouth College to determine whether $300,000 involved in the suit should be held by the city or forfeited to the college, under the provisions of the will of Dr. Ebenezer Woodward. This case was decided in favor of Quincy by the Supreme Judi-

cial Court of Massachusetts in 1892. See 160 Mass. Reports, 431. Mr. Cotter and Asa P. French, of Boston, were assigned by the Circuit Court of the United States as counsel for Thomas M. Bram, who was indicted for the murder of the captain, the captain's wife, and the second mate on board the barkentine Herbert Fuller, which was on the high seas, in 1896. The first trial of this case occupied the attention of the court and jury for three weeks. After a deliberation of twenty-seven hours, the jury returned a verdict of guilty. Hearings on motions for a new trial followed. On the 9th day of March, 1897, the court sentenced Bram to be executed on the 18th day of June, but before that day, counsel had the case removed to the Supreme Court of the United States on a writ of error, and assigned sixty-seven distinct grounds of error. The case was argued in Supreme Court, Washington, in October, 1897, and in the following December that court, in an elaborate opinion, sustained the position of counsel for the accused and reversed the judgment of the Circuit Court, and ordered a new trial. The case is reported in 168 United States Supreme Court Reports. In March, 1898, Bram was again brought before the United States Circuit Court at Boston for trial, and after a trial lasting thirty-two days the jury returned a verdict of "guilty without capital punishment." The accused was sentenced to imprisonment for life in State's Prison, Massachusetts. It has been strongly intimated that counsel for Bram will test the validity of this verdict and sentence. This case attracted wide attention, and materially added to Mr. Cotter's reputation as a lawyer and advocate of unusual ability.

His practice has been general in scope and character, and has placed him in the front rank of the leading members of the Boston bar. He is especially strong before a jury and in the examination of witnesses, a man of the highest integrity, and a counselor whose wisdom and good judgment are among his chief characteristics.

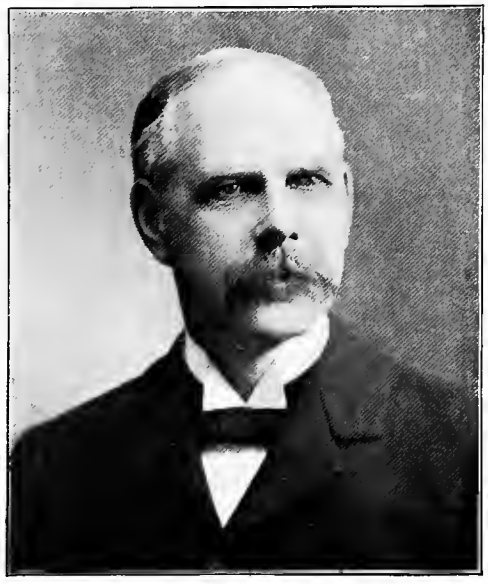
In politics Mr. Cotter has always been a Democrat of the Thomas Jefferson school working faithfully for the best interests of his party and adopted country. In 1896 he refused to support the Chicago platform of that party, and since that time has been acting with the "Gold" or "National" wing of that party. In Hyde Park he has taken an active part in public affairs and filled several positions of responsibility. He was chairman of the Registrars of Voters for two years, member of the School Committee in 1886, 1887, and 1888, and its chairman during the latter year. With one exception (1888) he has served continuously as town counsel since 1878, and for several years has been vice-president of the Hyde Park Historical Society. He was the candidate of his party for presidential elector on the Cleveland ticket, 1884. In 1897 he was the candidate for lieutenant-governor of Massachusetts on the "Gold" or "National" Democratic ticket, and ran thousands ahead of any other candidate on the ticket. He has declined nominations and political honors, but whenever he has consented to represent his party on local or State tickets, he invariably made strong inroads on the usual Republican majority. As a citizen he is public-spirited, progressive, patriotic, and loyal to the best interests of his State and country, and liberally encourages every movement which has the welfare and advancement of the community at heart. In March, 1892, he was unanimously elected president of the Charitable Irish Society of Massachusetts, one of the oldest civic organization in continuous existence in New England. He is a member of the American Bar Association, and the Suffolk and Norfolk County Bar Associations, and the president of the latter during the last two years.

Mr. Cotter was married October 29, 1874, to Mary A., daughter of Alexander Walsh, of Bridgewater, Mass., and their children who are living are Esther M., Alice E., Mary Alma, Anna, and Sarah F. Another child died in infancy.

CHARLES CLARENCE BARTON, Boston, a descendant of some of the oldest and most prominent families in New England, is the son of Hon. Pliny L. and Mary Ann (Lockwood) Barton, and was born in Salisbury, Conn., September 4, 1844. His father, who died in 1897 at the age of eighty-nine, filled nearly all the important town offices and served three terms in the lower house of the Connecticut Legislature and one term in the State Senate. In early life he was a scythe manufacturer, but later he retired and devoted himself to farming, in which occupation the subject of this article spent his boyhood and youth.

Mr. Barton received his preliminary education in the public and private schools of Salisbury, where he was engaged in teaching during the year 1864–65 as a means of obtaining funds to defray a part of his collegiate course. He also attended Amenia Seminary at Amenia, N. Y., and in 1865 entered Trinity College in Hartford, Conn., from which he was graduated third in his class in 1869, having a philosophical oration at commencement, and holding membership in the Phi Beta Kappa. During his junior year he taught school in Milford, Del., and at the same time kept up his junior college work. From 1869 to 1871 he continued teaching, having charge of a school in Watertown, Conn., for two years, and being master of the high school at Great Barrington, Mass., for one year. In 1872 he entered the law office of Ira T. Drew, of Boston, and in the following autumn became a member of the first class of the Boston University Law School, from which he was graduated with the degree of LL.B. in 1873. He was admitted to the Middlesex bar at Cambridge in April, 1873, before graduation, and at once began active practice in Boston, where he has been associated for many years with Arthur D. McClellan, who was for a time his partner.

As a lawyer Mr. Barton has devoted himself very largely to real estate and corporation matters, achieving in these branches a high standing and an enviable reputation. He is a man of broad and accurate learning, of recognized ability, and of indomitable industry and great force of character, and in the practice of the law has been eminently successful. He resided in Boston from 1873 to 1875 and in Newton Centre from 1875 to 1893, and in the latter place was a member of the Common Council in 1878 and 1879, serving as president of that body in the latter year. From 1883 to



CHARLES C. BARTON.

1889 he was a member of the Newton School Board, of which he was chairman during the last two years of that period. In 1893 he returned to Boston, and in the spring of 1898 he removed his residence to Framingham, Mass. He is a member of the Boston Chamber of Commerce, of the University Club of Boston, and of the Boston Art Club. His public spirit and patriotism have been displayed in all his duties and relations, both as a lawyer and citizen, and his deep interest in the advancement of the community is unfailing.

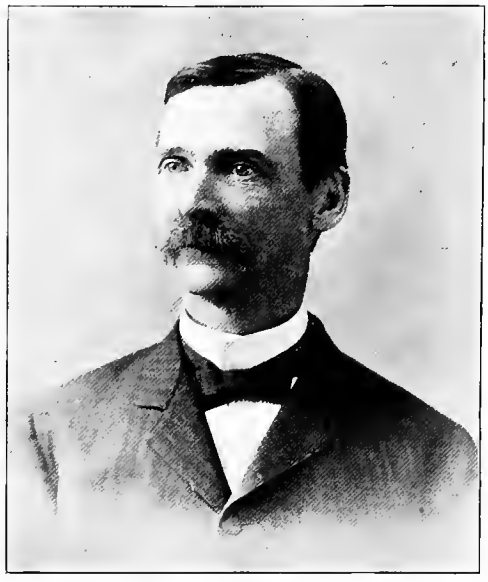
Mr. Barton was married August 24, 1870, to Emma Conant Drew, daughter of Dr. Elijah C. and Lydia H. (Conant) Drew of Boston. She died November 24, 1886, leaving five children: Charles Clarence, jr., Chesley Drew, Katharine Louise, Philip Lockwood, and Eliza-

beth Conant Barton. The eldest, Charles C. Barton, jr., was graduated from the Boston University Law School with the degree of LL.B. and admitted to the Suffolk bar in 1896, and is now associated with his father in practice. Mr. Barton married, second, April 5, 1893, Katharine Haynes Drew, half-sister of his first wife by her father's marriage to Hannah H. Haynes. She died November 24, 1897.

Mr. Barton married, third, September 12, 1899, Frances E. Kendall, daughter of William K. and Elizabeth A. Maxwell.

CHARLES GILMAN KEYES, Boston, is the second son and third child of Ziba and Lois (Bruce) Keyes, and was born in Berlin, Mass., October 19, 1831. He is a lineal descendant in the seventh generation of Robert Keyes, who settled in Watertown, Mass., about 1633, the line being as follows: (2) Elias Keyes, who married Sarah Blanford, or Blanchard, and lived in Sudbury; (3) Deacon John Keyes, of Lancaster and later of Shrewsbury, Mass., where he was the first town clerk, served as selectman and assessor, and was a founder and the first deacon of the North church; (4) John Keyes, jr., born in 1712, who married Abigail, daughter of Deacon John Livermore, a prominent citizen of Northboro, Mass.; (5) Thomas Keyes, of Northboro, born July 8, 1755, who served three years in the Revolutionary war, was active in town affairs, possessed considerable literary talent, and died November 2, 1845; and (6) Ziba Keyes, a mechanic of great inventive genius and talent, who was born December 9, 1796, and married Lois, daughter of Daniel and Mary Bruce, in 1828.

From these ancestors Charles G. Keyes inherited intellectual powers and progressive qualities that have distinguished the family for two hundred and fifty years. As a youth he made the most of his limited opportunities, attending the public schools and academy of his native town and also the New Ipswich, Leicester and Monson Academies, and thus receiving a good classical education which fitted him for entrance at college. Circumstances, however, compelled him to relinquish a cherished collegiate training and devote his energies to securing a livelihood. He spent some time in teaching at Bolton, Berlin, and Northboro, and finally became a student at law in the office of Judge Henry Chapin of Worcester, under whom he acquired a thorough knowledge of legal principles. He was graduated from Harvard Law School with the degree of LL.B. in 1858 and was admitted to the Suffolk bar in June of the same year. He practiced in East Douglas and Blackstone, Worcester county, until February, 1866, when he moved his office to Boston and his residence to that district in the city known as Jamaica Plain.



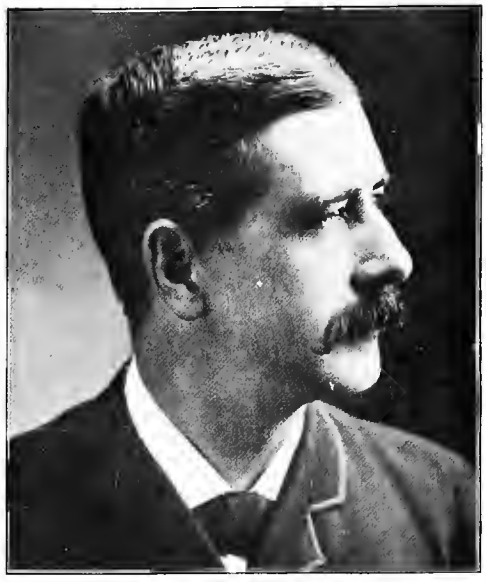
CHARLES G. KEYES.

Mr. Keyes has been engaged in the general practice of his profession from the first, giving special attention to conveyancing, titles, real estate law, probate work, etc. During recent years his business has been largely in these branches. He has tried many important cases in the courts, achieving a high reputation as an advocate, and displaying strong powers for

argument and oratory. In 1886 Governor Robinson appointed him an associate justice of the Municipal Court for the West Roxbury district, Boston, which position he filled with signal ability for about five years, when he resigned. In 1891 he represented the district including Jamaica Plain, Boston, in the lower house of the Massachusetts Legislature. He is past master of Eliot Lodge, F. & A. M., and a member of the Home Circle and of the Knights of Honor, and as a citizen is public spirited, progressive, and patriotic. On the bench as well as in the practice of his profession he has displayed marked ability and excellent judgment, and for many years he has occupied a prominent place at the Boston bar.

Mr. Keyes was married November 6, 1860, to Juliet A. Whipple, daughter of Dexter Whipple, of East Douglas, Mass. Of their four children two, Carrie Edith and Mary Juliet, are deceased; the others are Charles Dexter, born June 7, 1864, a member of the Boston bar practicing with his father, and Henry F., a student at Harvard College, class of 1901.

CHARLES JOHN McINTIRE, Cambridge and Boston, first judge of the Probate Court and of the Court of Insolvency for Middlesex county, is the son of Ebenezer and Amelia Augustine (Landais) McIntire, and was born in Cambridge, Mass., March 26, 1842. On his mother's side he is descended in the seventh generation from John Talcot, one of the "Braintree Company" of Puritan settlers and founders of the "Newe Towne," under the Rev. Thomas Hooker, in 1632. John Talcot, with his son John, accompanied Hooker in 1637 to Hartford, Conn., and the junior John became a deputy there and also commander-in-chief of the forces of that colony in the Pequot war. Ruth Talcot, the daughter of the latter, married the Hon. John Read, a lawyer of great distinction, who was the attorney-general of the Province of Massachusetts Bay from 1723 to 1727 and a councillor in 1741 and 1742. Read's daughter, Mary, married Capt. Charles Morris, of Boston, who, in 1745, went in command of a company, under Col. William Pepperell, to the siege of Louisburg, and who also distinguished himself under Col. Arthur Noble at the battle of Minas. He remained in Nova Scotia, attained eminence as a member of the Governor's Council during twenty-six years, and was made chief justice



CHARLES J. MC INTIRE.

of the Supreme Court in 1776. Sarah Morris, his daughter, married Dr. Alexander Abercrombie Peters, a surgeon in the United States army, and their daughter, Mary Elizabeth Peters, the grandmother of Judge McIntire, married Louis Landais, a United States lieutenant of artillery and engineers. Judge McIntire's mother, Amelia Augustine Landais, was born in Fort Moultrie, Charleston Harbor, S. C., while her father had a command there, and she lived until 1896, when she died at the residence of her son, in Cambridge, Mass., at the age of ninety-three years. On the paternal side, Judge McIntire is descended from Philip Mackintire, who came over about 1645, a youth, from Scotland, probably as one of Cromwell's prisoners of war, taken at the battle of Dunbar or of Worcester. He settled at Reading,

Mass., became a freeholder in that town before 1666, and died there in 1719. His son, Daniel Mackintire, went to Salem, and there became a prominent citizen. Daniel's son, Ebenezer, moved from Salem to Oxford in 1733, and in 1755 was one of the founders and one of the first Board of Selectmen of the town of Charlton, in Worcester county, Mass., and he presented that town with its public common and burial ground. His son, Ezra, during the war of the Revolution, was a minuteman and a member of the Committee of Correspondence, Inspection and Safety of the town, and, after independence, in 1788, was elected a member of the Constitutional Convention to ratify the Constitution of the United States. Ebenezer McIntire, the father of Judge McIntire, was a grandson of Ezra, and born on the paternal farm in Charlton, removing to Cambridge in 1830, where he died in 1871. The Hastings, the Sparhawks, the Means, and the Kidders, all early settlers of Cambridge, are among the ancestors of the judge through his grandmother, Elizabeth (Holman) McIntire.

Judge Charles McIntire, in 1862, left his studies in Cambridge and, with several of his classmates, enlisted as a private in Company G, Forty-fourth Regiment, Mass. Volunteers. He took part in all the engagements of his regiment, including the famous defense of the besieged town of Washington, N. C., and at the expiration of his term of service, returned to his law studies, which were pursued at the Harvard Law School and in the office of Mayor Dana, of Charlestown. He was admitted to the bar of the Supreme Judicial Court in 1865, when twenty-two years of age, and at once entered upon the active practice of his profession in Boston, where he was soon recognized as a successful advocate and safe adviser. In 1871 he was appointed assistant district attorney for Middlesex, which position he held three years, and in March, 1886, when Judge John W. Hammond was elevated to the bench of the Superior Court, Mr. McIntire was chosen to succeed him as city solicitor of Cambridge. His work as city solicitor met with so much favor that he was annually re-elected, always by the unanimous votes of both branches of the City Council, until Governor Russell appointed him, on October 26, 1893, to his present position on the bench of the Court of Probate and Insolvency for Middlesex County, to fill the vacancy caused by the death of Judge George M. Brooks. He was created "First Judge" on September 1, 1894, by legislative enactment, and, as judge of probate and insolvency, he has given universal satisfaction. His appointment was almost unanimously urged by the bar of Middlesex and by the leaders of the Suffolk bar, and the eminent ability and good judgment which he has displayed have more than demonstrated the wisdom of the choice. Previously, in 1893, he had been appointed by Governor Russell a member of the State Commission which revised and codified the election laws of the Commonwealth, and another judicial position was also offered him by Governor Russell during his term, which he declined.

Judge McIntire was long prominent in the municipal affairs of his native city, sitting as a member of the Common Council in 1866 and 1867, on the Board of Aldermen in 1877, and of the School Committee from 1868 to 1870. In 1883 he was nominated for mayor of Cambridge, by the "Temple Hall" or "Pay-as-you-go" party, with the late William E. Russell (afterwards governor of Massachusetts) as one of the candidates for alderman upon his ticket. He was not successful, but the majority of the opposing party was so greatly cut down that the way was prepared for the triumphant election of Mr. Russell as mayor, upon the same ticket, the following year. It was during the latter's term as mayor that Mr. McIntire was first elected and served as city solicitor, and received a number of appointments, showing confidence in his ability and integrity. He was a member of the special committee to frame a new municipal charter for Cambridge and subsequently to revise the city ordinances to conform thereto.

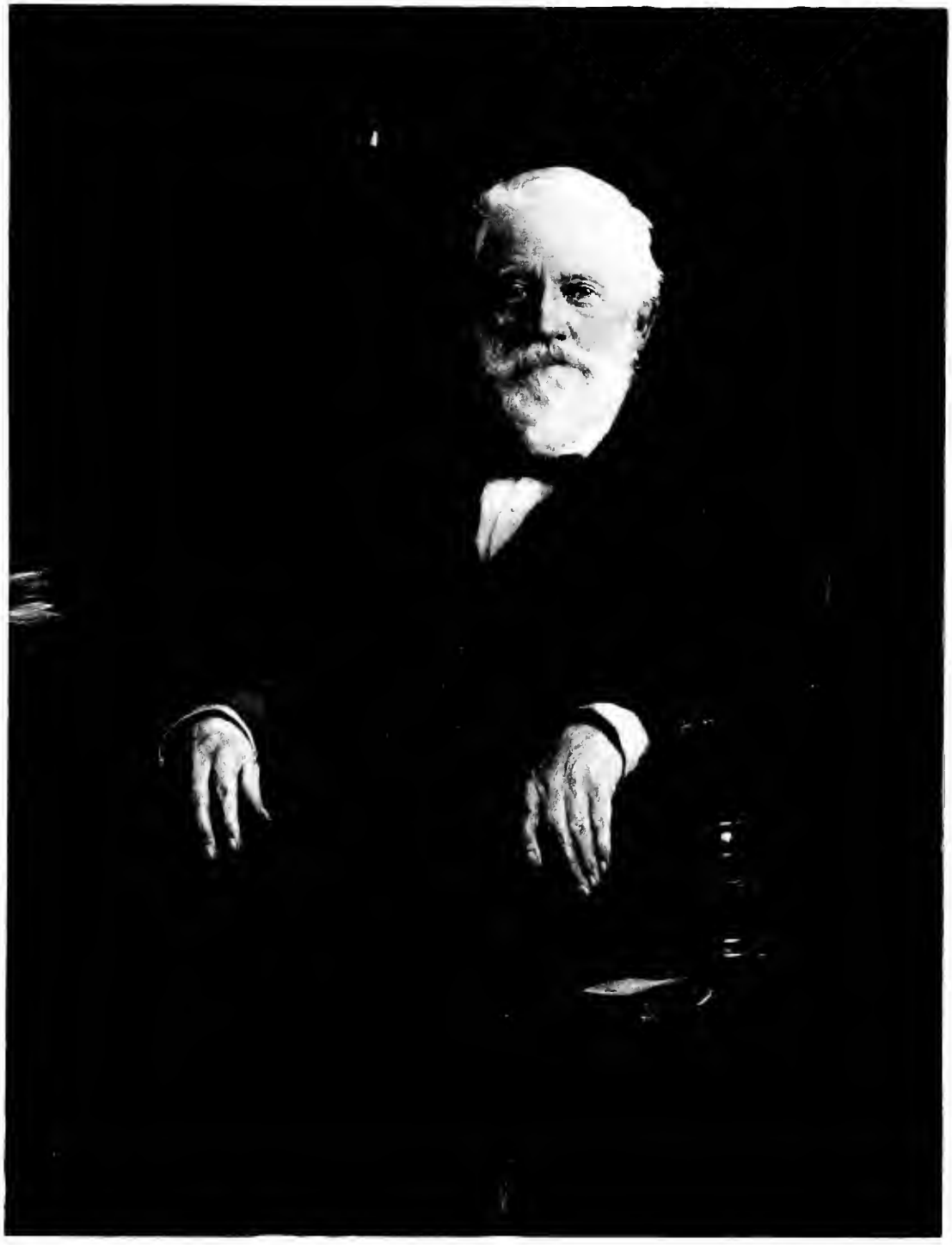
In 1869 and 1870 he was elected to the Massachusetts House of Representatives, where

he served as chairman of the committee on insurance and as secretary of the judiciary committee. He was one of the founders and vice-president of the Colonial Club, is now (1898) the president of the Cambridge Club, lieutenant-governor of the Massachusetts Society of the Colonial Wars, and a member of the Sons of the Revolution and of the Forty-fourth Massachusetts Regiment Association, which he served as president in 1883. He is also a member of Post 57, Grand Army of the Republic.

Judge McIntire was engaged in many cases of importance during his practice at the bar, and was quite successful. Among the numerous cases with which he was connected were the notable suits of the inhabitants of Ward Three, Cambridge, against the laundering establishments upon Miller's River, which he prosecuted, against large odds, to a successful termination. While city solicitor he gained much honor and a high reputation by his victory over the city of Boston and the Boston and Albany Railroad, which, acting in concert, had succeeded in procuring from the railroad commission an order obliging the city of Cambridge to construct and maintain an overhead iron bridge upon Front street, over the tracks of the railroad, the construction of which would render the city liable to enormous land damages besides making that approach most unsightly to the view. Upon taking the question to the Supreme Court that tribunal set aside the action of the railroad commissioners, unequivocally endorsing the position taken in opposition, that the board had no legal right to make such an order, and consequently Harvard bridge and Front street were saved as a beautiful avenue across the river. The absolute grant of Fresh Pond to the city of Cambridge by the Commonwealth was likewise secured by the efforts of Mr. McIntire, and the questions of ice privileges on that pond and land damages there and upon Stony Brook, were satisfactorily settled during his city solicitorship. Judge McIntire has lived in Cambridge from his birth, his present residence being on the corner of Chauncy street and Massachusetts avenue. He has always taken an active interest in local affairs and in matters of State and national importance, and as lawyer, jurist, and citizen, is universally respected and esteemed. He has for many years held a leading place at the Middlesex and Suffolk bars, and on the bench has displayed those same high qualifications which characterized his career as an advocate.

Judge McIntire was married in 1865 to Mary Theresa, the daughter of George B. Fenigan, esq., of Charlestown, Mass., and their children are Mary Amelia, Henrietta Elizabeth, Charles Ebenezer, Frederick May, and Blanche Eugenie.

JOHN LOWELL, LL.D., judge of the United States District and Circuit Courts, belonged to one of the most eminent and distinguished families in New England. His great-grandfather, John Lowell, LL.D., was a son of Rev. John Lowell, and was born in Newbury, Mass., June 17, 1743, was graduated from Harvard University in 1760, and was admitted to the bar in 1762. This John Lowell practiced law in Newburyport until 1777, and afterward in Boston, and as a member of the first Massachusetts Constitutional Convention of 1780 procured the insertion of the first article of the Bill of Rights, for the purpose, as he declared, "of preventing slavery from being thereafter possible in the State." He was a member of congress in 1783, and from that year to 1789 was judge of the Court of Appeals. On September 26, 1789, President Washington appointed him judge of the United States District Court for Massachusetts, which office he held until 1801, when he was made, by President Adams, chief justice of the newly established United States Circuit Court for the circuit embracing Maine, New Hampshire, Massachusetts and Rhode Island. The act creating this court was repealed in 1802, and Judge Lowell died at Roxbury on May 6, of that year. He received the degree of LL.D.



from Harvard in 1792. His son, also John, was born in Newbury, October 6, 1769, graduated from Harvard in 1786, and admitted to the bar July 21, 1789. After returning from Europe in 1803 he devoted himself to literary pursuits and was one of the founders of the Boston Athenæum, the Massachusetts General Hospital, the Provident Institution for Savings of Boston, and the Massachusetts Hospital Life Insurance Company. He was made a LL.D. by Harvard in 1814 and died March 12, 1840. Francis Cabot Lowell, another son of Judge Lowell, was born in 1775, and had the honor of giving his name to the city of Lowell, Mass. Charles Lowell, a third son of the judge, born in 1782, was long the distinguished pastor of the West church in his native city. In the third generation from Judge John Lowell are John Lowell, the philanthropist, born in 1799, who bequeathed $250,000 to found the Lowell Institute; James Russell Lowell, the poet, statesman and scholar; and John Amory Lowell, a prominent Boston merchant and treasurer and director of several mills in Lowell, and the father of the subject of this memoir. In the fourth generation there are, besides the subject of this article, the brothers Charles Russell and James Jackson Lowell, grandsons of Rev. Charles, who were killed in the Civil war, the former, as brigadier-general, at the battle of Cedar Creek, and the latter, as first lieutenant, at the battle of Glendale.

Judge John Lowell was born in Boston, Mass., October 18, 1824, and was the son of John Amory Lowell and Susan Cabot Lowell, his wife, the latter being a daughter of Francis Cabot Lowell, previously mentioned. He was prepared for college in the noted private school of Daniel Greenleaf Ingraham, and entering Harvard University was graduated therefrom with high honors in 1843. Among his classmates who afterward achieved distinction were the late Charles Anderson Dana, of the New York Sun; Rev. Thomas Hill, president of Harvard; Charles C. Perkins, artist; and Judge John William Bacon, Rev. Octavius Brooks Frothingham, William Adams Richardson, and others. On leaving college he entered Harvard Law School, where he took his degree of LL.B. in 1845, and then continued his legal studies in the office of Charles G., F. C. and C. W. Loring until his admission to the Suffolk bar in October, 1846. Immediately afterward he began the practice of his profession in Boston, where he rapidly gained a high reputation as an able and learned lawyer.



JOHN LOWELL.

For a number of years he was associated with William Sohier. On March 11, 1865, President Lincoln appointed him judge of the United States District Court for Massachusetts, vice Peleg Sprague, resigned, and on the 16th of December, 1878, President Hayes made him judge of the United States Circuit Court for the First circuit to fill the vacancy caused by the death of Judge George Foster Shepley, of Portland, Me. May 1, 1884, after nineteen years on the bench, Judge Lowell resigned and resumed the practice of his profession in Boston, taking his son, John, jr., as a partner. He continued in this capacity until his death May 14, 1897.

Judge Lowell was not only a lawyer of great ability and learning, but he was also an eminent jurist, and especially distinguished in the

department of law relating to bankruptcy, in which he was a widely recognized authority. Honest and industrious, possessed of an accurate and logical mind, and endowed with uncommon good judgment and keen discrimination, he achieved a leading place at the bar and in judicial circles. He was an able counselor and judge, impartial and upright in all his acts and universally respected and esteemed. After his return to the bar he was constantly in demand as referee or special master, and was senior counsel in cases involving United States law. As auditor, trustee, or referee of the adjudication and management of questions and trusts which involved large and important interests he won many honors and universal confidence. He was an authority on the law of bankruptcy, in which he had much experience. As a jurist he was dignified and courteous. Two volumes of his decisions from 1865 to 1877 have been published, and bear evidence of great literary ability as well as a profound knowledge of the law. As a citizen he was public spirited, enterprising and patriotic, and took a deep interest in the welfare of his city and country. His learning and scholarship were justly recognized by both Williams College and Harvard University when they each conferred upon him the honorary degree of LL.D. in 1870 and 1871 respectively.

Judge Lowell was married May 18, 1853, to Lucy B., daughter of George B. Emerson, LL.D., and Olivia Buckminster; they had seven children, of whom four are living, viz.: John, jr., whose sketch appears in this work; Lucy, Susan (Mrs. William H. Aspinwall), and James Arnold, who was graduated from Harvard in 1891.

JOHN LOWELL, Boston, is the eldest son of the late Judge John Lowell, LL.D., and Lucy B. Emerson, his wife, and was born in Boston, Mass., May 23, 1856. He is descended from a noted and distinguished ancestry, as detailed in a memoir of his father in this work, and has inherited those legal qualifications and high moral principles which have so long made the family name conspicuous in New England history. He received a thorough preparatory education in the private school of William N. Eayrs and then entered Harvard University, from which he was graduated in 1877, being a classmate of the late Gov. William E. Russell. After leaving college he completed a two years' course at the



JOHN LOWELL.

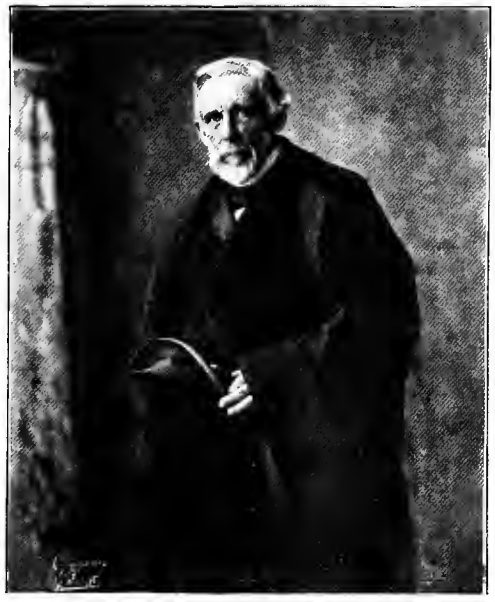
Harvard Law School and continued his legal studies in the office of Lothrop, Bishop & Lincoln, the senior partner being that eminent lawyer, Thornton K. Lothrop and the second member of the firm being Robert R. Bishop, now a justice of the Superior Court of Massachusetts. This office, it may be remarked, was a continuation of the one of which his father had been the head. Mr. Lowell was admitted to the Suffolk bar in May, 1880, and at once began the active practice of his profession in Boston, where he soon gained recognition as an able, painstaking, and industrious lawyer. He practiced alone with increasing success until 1884, when his father, having retired from the bench of the United States Circuit

Court, joined him in a copartnership styled John Lowell and John Lowell, jr., which continued until the death of the senior member on the 14th of May, 1897.

Mr. Lowell is an able and talented lawyer, and in the trial of cases has won a high reputation. As counsel for large and important corporate interests he has for several years been a familiar figure in the courts, where his abilities and legal qualifications are recognized and admired. In the department of corporation practice, in which he has had much experience, he is particularly strong. Since coming to the bar he has devoted his whole time as well as his energies to the law, and has carefully avoided any connection with politics or business. As a citizen, however, he is public spirited and progressive, and has always taken a lively interest in all movements advancing the welfare of the community. But it is to the duties of counselor and advocate that his undivided attention is given. Connected with him in practice as partners are Samuel H. Smith, of Harvard, 1887, cousin of Prof. Jeremiah Smith, of the Law School, and James A. Lowell, and through them his office handles a large chamber and court practice. Mr. Lowell is an independent in political action and a Unitarian in religion. He is a member of the Union, Altamont and Tavern Clubs of Boston, the Adirondack League of New York, and the Reform Club of New York city.

He was married October 24, 1883, to Mary Emlen Hale, daughter of James C. and Sarah E. Hale of Philadelphia, Pa.; they have five children: Mary E., John, jr., Ralph, James H. and Olivia.

GEORGE SEWALL BOUTWELL, LL.D., Boston and Groton, the first commissioner of internal revenue, secretary of the treasury under President Grant, and for many years one of the leading international lawyers, is the son of Sewall and Rebecca (Marshall) Boutwell, and was born in Brookline, Mass., in what is now the old part of the Country Club house, January 28, 1818. He comes from old and respected Massachusetts stock, being a lineal descendant of James Boutwell, who was admitted a freeman in Lynn in 1638, and of John Marshall, who came to Boston in the ship Hopewell in 1634. The family has always represented the sterling qualities of typical New Englanders. Tradition asserts that one of his paternal ancestors received a grant of



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GEORGE S. BOUTWELL.

land for services in King Philip's war. His maternal grandfather, Jacob Marshall, was the inventor of the cotton press, an invention originally made, however, for pressing hops. His father, Sewall Boutwell, removed with his family in 1820 from Brookline to Lunenburg, Mass., where he held several town offices; he was a member of the Massachusetts House of Representatives in 1843 and 1844 and of the Constitutional Convention of 1853.

Mr. Boutwell attended in his early years a public school in Lunenburg, where he became a clerk in a general store at the age of thirteen, thus gaining a practical as well as a theoretical knowledge of affairs. Later he supplemented this experience by teaching school at Shirley.

He also studied the classics, and in various ways improved every opportunity for advancement which limited circumstances afforded. In 1835 he went to Groton, Mass., as clerk in a store. But to be a lawyer was his dream before he had ever seen a lawyer. Endowed with unusual intellectual ability, which has been one of his chief characteristics from boyhood, he felt himself instinctively drawn to the legal profession, and as early as possible entered his name as a student at law.

In 1839 he was chosen a member of the Groton School Committee, and in 1840 he was an active Democrat, advocating the re-election of Martin Van Buren to the presidency. In the mean time he delivered a number of important lectures and political speeches, his first lecture being given before the Groton Lyceum when he was nineteen, and he was now rapidly gaining a reputation in public affairs, in which he early took a deep interest. In January, 1842, he became a member of the lower house of the Massachusetts Legislature from Groton, and for ten years thereafter his law studies were neglected. He served during the sessions of 1842, 1843, 1844, 1847, 1848, 1849 and 1850, and was also at different times a railroad commissioner, a bank commissioner, and a member of various other commissions of the Commonwealth.

As a member of the House he made many important arguments that were legal in name if not in fact. One related to the Act of the Legislature of 1843, by which the salaries of the judges were reduced, and another upon a bill for the amendment of the charter of Harvard College. On the latter question, which was in controversy for three years, his opponents were Judge Benjamin R. Curtis and Hon. Samuel Hoar. Mr. Boutwell originated the movement for a change in the college government, which was effected by a compromise in 1851. Chief Justice Lemuel Shaw, a member of the corporation, wrote an answer to his argument. This led to Mr. Boutwell's appointment in 1851 as a member of the Harvard College Board of Overseers, which position he filled until 1860. In January, 1851, he became governor of Massachusetts by a fusion of the Democratic and Free Soil members of the Legislature, and in 1852 was re-elected by the same body. He served in that capacity until January, 1853, a period of two years, and discharged the duties of the office with ability, dignity and honor. As a member of the Massachusetts Constitutional Convention of 1853 Mr. Boutwell had further and better opportunities to make the acquaintance and to observe the ways of the leading lawyers of the State.

At the close of the Constitutional Convention of 1853 Governor Boutwell entered the law office of Joel Giles, who was engaged in practice under the patent laws, and who as a mechanic and lawyer was a well equipped practitioner in Boston. As a counselor in patent causes Mr. Giles had few equals. It was then Mr. Boutwell's purpose to pursue the study and engage in the practice of the patent laws as a specialty, but in October, 1855, without any solicitation and indeed without the slightest knowledge on his part, he was chosen secretary of the Massachusetts Board of Education, of which he had been a member from 1853. With much uncertainty as to the wisdom of his action in accepting the place he entered upon his duties and faithfully and efficiently discharged them until July 1, 1861, although he had tendered his resignation in 1859. His annual reports have always been regarded as models of preparation, and that of 1861—the twenty-fourth—contains a notable commentary on the school laws of the Commonwealth. He continued as a member of the board until 1863.

After several years Mr. Boutwell severed his relations with Mr. Giles, and upon his admission to the Suffolk bar in January, 1862, on motion of the late Judge Josiah Gardner Abbott, he began active practice in Boston. His first jury case was before the late Judge Charles Allen, yet at that time he had never seen a jury trial from the opening to the close. Mr. Boutwell had scarcely entered upon his pro-

fessional career when he was called to assume a most important place in national affairs, and one that was destined to keep him in close relations with the Federal government at Washington for many years afterward.

Among the historical events, originating in the Civil war, was the passage of the act "to provide internal revenue to support the government and to pay interest on the public debt," approved July 1, 1862. Mr. Boutwell organized the office of Internal Revenue and was the first internal revenue commissioner, receiving his appointment while at Cairo in the service of the War Department. He arrived in Washington on July 16, and entered upon his duties the following day. Within a few days the secretary of the treasury assigned him a single clerk, then a second, and afterward a third, and the clerical force was increased from time to time until at his resignation of the office of commissioner on March 3, 1863, it numbered 140 persons. To him is due its organization upon a basis which has more than fulfilled the most cherished hopes and expectations of those who conceived the idea and which has furnished from the first a valuable source of revenue for the government with little hardship or unnecessary friction among the people at large. The stamp tax took effect, nominally, on the 1st of October, 1862, less than two and one-half months after Mr. Boutwell entered upon his duties as commissioner, yet before he resigned, five months later, he had the office so well established, and its work so thoroughly organized throughout the United States, that its usefulness was assured and it has continued to the present time upon practically the same lines that he laid down. In July, 1863, three months after he retired from the office, he published a volume of 500 pages, entitled "A Manual of the Direct and Excise Tax System of the United States," which included the act itself, the forms and regulations established by him, his decisions and rulings, extracts from the correspondence of the office, and much other valuable information bearing on the subject. This work has ever been accepted as authority, and still forms the basis of the government of the internal revenue system.

Before Mr. Boutwell was admitted to the bar he was retained by the county commissioners of Middlesex county to appear before a legislative committee of 1856 against the division of that county and the erection of a new county to be called the county of Webster with Fitchburg for the shire. Emory Washburn appeared for Worcester county and Rufus Choate for Fitchburg and the new county. The application failed in 1855 and again in 1856. Mr. Boutwell's arguments on this petition, made March 25, 1855, and April 23, 1856, were remarkable for power and eloquence, and largely influenced the final result.

From 1862 to 1869 he was retained in many causes, the most important of which was the controversy over the contract between the Commonwealth and Gen. Herman Haupt for the construction of the Hoosac Tunnel. The hearing before a legislative committee occupied about twenty days and ended in the annulment of the contract. For several years Mr. Boutwell was associated in Boston with J. Q. A. Griffin. Afterward he was in partnership with Henry F. French until 1869, when he became secretary of the treasury in the Cabinet of President Grant. He filled this position with great ability for four years, originating and promulgating, among other measures, the plan of refunding the public debt. During that period he made but one argument, when he appeared in the Supreme Court on the appeal by his client of a patent case, of which he had had charge from the beginning. From 1863 to 1869 he had been a member of the 38th, 39th, 40th and 41st Congresses, serving on the committees on the judiciary and on reconstruction, and being chairman for a time of the latter body. While representing his district in Congress Mr. Boutwell gained considerable experience in the proceedings against President Andrew Johnson, who was impeached for high crimes and misdemeanors, and he was selected as one of the managers on the part of the House.

In a remarkably brilliant speech before the House on December 5 and 6, 1867, he maintained the doctrine that the president and all other civil officers could be impeached for acts that were not indictable, although the contrary was held by many eminent lawyers, including President Dwight, of Columbia College, who wrote a treatise in support of his theory. But the House preferred articles that did not allege an indictable offense and the Senate sustained them by a vote of thirty-five to eighteen, one less than the number necessary for conviction. On April 22 and 23, 1868, Mr. Boutwell, on behalf of the managers, addressed the Senate, delivering one of the strongest and ablest arguments on record, and thus completing, as a lawyer, the most exhaustive labor he ever attempted. He was a member of the Committee of Fifteen which reported the Fourteenth Amendment, and while serving on the committee on the judiciary he reported and carried through the House the Fifteenth Amendment to the Constitution of the United States.

In 1873 Mr. Boutwell was chosen United States senator from Massachusetts to fill the unexpired term of Hon. Henry Wilson, who had been elected vice-president. He continued in the Senate until 1877, when he was appointed by President Hayes, through Gen. Charles Devens, then attorney-general, commissioner to revise the statutes of the United States. That great work was completed and the volume was published in the autumn of 1878. Some idea of the labor involved in this undertaking may be gained from the index, which contains over 25,000 references. In 1878 Mr. Boutwell returned to Boston and resumed the practice of law. In 1880 William M. Evarts, then secretary of state, and President Hayes, asked him to accept the position of counsel and agent for the United States before a Board of International Arbitrators created by a treaty ratified in June, 1880, between the United States and France, for the settlement of claims against each government by citizens of the other government. The claims of French citizens, 726 in number, arose from the operation of the Union armies in the South, principally in and around New Orleans, during the Civil war, and the consideration of them occupied four years. The counsel and the commissioners were called to the discussion of treaties, of international law, of citizenship, of the legislation of France, of the rights of war, and of the conduct of military officers and military tribunals. The claims amounted to $35,000,000, including interest; the recoveries amounted to about $625,000; the defense cost the government about $500,000; the record is contained in ninety printed volumes of about one thousand pages each and the pleas and arguments of counsel for the two governments fill eight large volumes. Mr. Boutwell's own arguments cover more than 1,100 pages. Many of these cases rank as *causes celebre*, notably those of Archbishop Joseph Napoleon Perche, No. 3; Henri Dubos, No. 26; Joseph Bauillotte, No. 130; Bleze Motte, No. 131; Theodore Valade, No. 214; Pierre S. Wiltz, No. 313; Remy Jardel, No. 333; Etienne Derbee, No. 339; Arthur Vallon, No. 394; David Kuhnagel, No. 438; Dr. Denis Meng, No. 567; Azoline Gautherin, No. 590; Oscar Chopin, No. 592; S. Arnns Sorrel, No. 594, in which he probably made the best argument of his career; Jules Le More, No. 595; Athenais C. Le More, No. 598; Mary Ann Texier, No. 659; and Charles Heidsieck, No. 691. That of Theodore Valade, No. 214, was a full account of the battle of Donaldsonville, and those of Archbishop Perche, David Kuhnagel, and many others involved intricate and interesting questions of citizenship as well as damages for the destruction of property. On May 10, 1884, Mr. Boutwell made an exhaustive and final report on all these claims to the secretary of state, Hon. Frederick T. Frelinghuysen.

Mr. Boutwell was one of the counsel for the government of Hayti in the celebrated case of Antonio Pelletier against that republic in 1885, and made a most interesting oral argument. This case was a romance of the sea as well as of international importance, involving a claim of $2,500,000 and questions of piracy and slave

trading. In 1893–94 Mr. Boutwell was retained as counsel on the part of Chili to defend that government before an international commission created under a treaty with the United States signed August 7, 1892. About forty cases were presented, involving $26,300,000, and the final report was submitted April 30, 1894. Among the more important were those of Gilbert B. Borden, No. 9, and Frederick H. Lovett et al., No. 43, against the Republic of Chili. These as well as nearly all the others were argued by him with a brilliancy and eloquence that has marked his entire career at the bar. Of the five courts martial that were held in Washington between 1880 and 1892 for the trial of officers of the army and navy Mr. Boutwell was retained for the defense in four cases, in three of which the accused were convicted and in the other honorably acquitted. In 1886 he was retained by the Mormon church to appear before the judiciary committee of the House of Representatives against the Edmunds bill, which was modified in particulars pointed out in the discussion. The same year he appeared before the House committee on foreign affairs for the government of Hawaii in opposition to the project for abrogating the treaty of 1875.

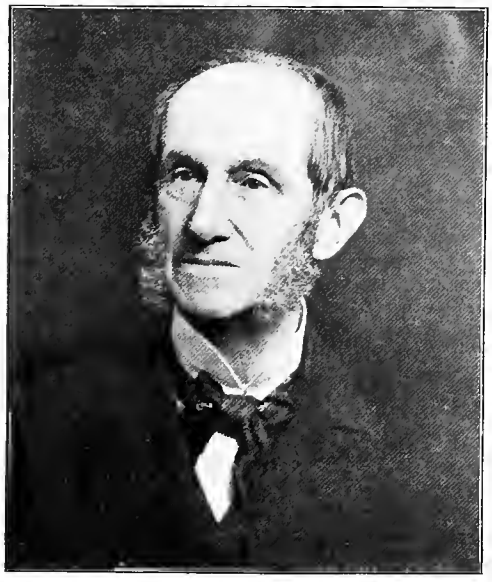
Mr. Boutwell's pleas and arguments have with few exceptions been published in book or pamphlet form, or both, and form of themselves a most valuable and interesting addition to legal literature. They bear evidence of a profound knowledge of the law, of vast research and of great literary ability. Among others may be mentioned those upon a petition to the Massachusetts Legislature for the removal of Joseph M. Day as judge of probate and insolvency for Barnstable county in March, 1881; in the matter of the Pacific National Bank of Boston before the banking and currency committee of the United States House of Representatives, March 22, 1884; and for the claimant in the case of the Berdan Fire-Arms Manufacturing Company of New York vs. the United States. He is the author of "Educational Topics and Institutions," 1859; "Speeches Relating to the Rebellion and the Overthrow of Slavery," collected and published in 1867; "Why I am a Republican," a history of the Republican party to 1884, republished in 1888; "The Lawyer, Statesman, and Soldier," 1887; and the "Constitution of the United States," embracing the substance of the leading decisions of the Supreme Court in which the several articles, sections, and clauses have been examined, explained, and interpreted, 1896. In 1888 he wrote a pamphlet on "Protection as a Public Policy," for the American Protective Tariff League; on April 2, 1889, he read a paper on "The Progress of American Independence" before the New York Historical Society; and in February, 1896, he published a pamphlet on "The Venezuelan Question and the Monroe Doctrine."

Mr. Boutwell has probably argued more cases involving international law than any other living man, and in this department ranks among the ablest and strongest that this country has ever produced. For more than forty years he was a prominent figure before the bar of the United States Courts at Washington, where he achieved eminence as an advocate of the highest ability. He was uniformly successful, and won a reputation which was not confined to this country. He is an authority on international and constitutional law. His published writings stamp him as a profound student of public questions and as a man of rare literary culture and genius. He was a strong Abolitionist, and as lawyer, statesman, and citizen has rounded out a brilliant career. In every capacity he has faithfully and efficiently performed his duties and won the confidence and respect of both friends and opponents. In politics he has been a leader of the Republican party since its organization. He was a delegate to the Chicago Conventions of 1860 and 1880, and was chosen a delegate to the Baltimore Convention of 1864, but declined. He was elected a member of the American Academy of Arts and Sciences in 1857 and of the Phi Beta Kappa Society of Harvard College in July, 1861, at which time he delivered

the commencement oration. In 1851 Harvard conferred upon him the honorary degree of LL.D., and in 1861 he was a member of the Peace Congress at Washington.

Mr. Boutwell was married July 8, 1841, to Sarah Adelia, daughter of Nathan Thayer of Hollis, N. H. Their children are Georgianna A., born May 18, 1843, and Francis M., born February 26, 1847. Mr. Boutwell resides in Groton, Mass.

JOSEPH AUGUSTUS WILLARD, Boston, clerk of the Superior Court of Massachusetts, is descended in the seventh generation from Major Simon Willard, a native of the parish of Horsmonden, County of Kent, England, who came to Cambridge, Mass., in 1634, and was engaged in military duty in King Philip's war at the time of his death. Mr. Willard's paternal grandfather, Joseph Willard, was president of Harvard College from December 19, 1781, until his death September 25, 1804. Another ancestor, Simon Willard, of Salem, died in Charlestown while holding court April 24, 1676. Sidney Willard, father of the subject of this sketch, and son of Joseph, was graduated from Harvard in 1798, and was a tutor and librarian of that institution from 1801 to 1805 and professor of Latin, Hebrew, and other Oriental languages from 1807 to 1831. He was a representative to the General Court in 1833, 1837, and 1843, member of the Massachusetts Senate in 1834, 1835, 1839, and 1840, member of the Governor's Council for a time, and mayor of Cambridge in 1848 and 1850. He married Elizabeth Anne, daughter of Asa Andrews, a leading lawyer of Ipswich, Mass., and a direct descendant of Ann Dudley, wife of Gov. Simon Bradstreet, from whom Joseph A. Willard is descended in the fifth generation. Rev. Samuel Willard, great-grandfather of Sidney, was pastor of the old South church in Boston, and also vice-president and from 1701 to 1707 acting president of Harvard College



JOSEPH A. WILLARD.

Joseph A. Willard, son of Prof. Sidney and Elizabeth Anne (Andrews) Willard, was born in Cambridge, Mass., September 29, 1816. He attended the regular schools of his native town, the Westford Academy, and a private school kept at various times by Rev. James Freeman Clarke, Ralph Waldo Emerson, Henry S. McKean, and Barzillai Frost. In October, 1830, he went to sea, and for eight years followed the life of a sailor, visiting nearly all parts of the world, and accumulating a fund of knowledge and experience upon which he has built an eminently successful career. Returning home in 1838 he resumed his studies under his father, and in 1846 entered the office of the clerk of the Court of Common Pleas in Boston, where he remained two years. In 1848 Joseph Evelett, then sheriff of Suffolk county, appointed him deputy sheriff, which position he held until 1855. Meantime he took up the study of law under the instruction of James A. Abbott and Marshall S. Chase, and was admitted to the Suffolk bar April 15, 1854. In 1855 he was appointed to the newly created office of assistant clerk of the Superior Court for the county of Suffolk, the old Court of Common Pleas for that county being abolished. The new court was superseded by

the present Massachusetts Superior Court in 1859, and Mr. Willard became its assistant clerk. He was appointed clerk by the court in 1865 to fill the vacancy caused by the death of his uncle, Joseph Willard, who had filled the office for many years. At the next general election he was elected to the office, and since then has been re-elected at the end of every five years, his election being opposed only twice. His present term will expire in January, 1902.

Mr. Willard is a man of remarkable ability and vitality, and for one of his years (eighty-three) is wonderfully well preserved and active. Few men have ever made the record that he proudly bears. Beginning in 1846 he has been almost continuously identified with the office of clerk of the court, and by reason of his long experience possesses a better knowledge of the principles of practice than any other man in the Commonwealth. He is endowed with a remarkably retentive memory, and a mind rich in reminiscence, which has been drawn upon for the benefit of the public and placed in permanent form in an interesting volume entitled "Half a Century with Judges and Lawyers," published by Houghton, Mifflin & Co. in 1895. This book, written wholly by him, stamps him as a man of uncommon literary ability. He is a public spirited, patriotic, and progressive citizen, and a prominent chapter Mason, holding membership in Revere Lodge, F. & A. M. He has been a member of the Ancient and Honorable Artillery Company of Massachusetts, and of the Bar Association of the city of Boston which he joined at its inception in 1876.

Mr. Willard was married September 5, 1841, in Cambridge, Mass., to Penelope, daughter of Capt. Peter and Penelope (Mitchell) Cochran, and a great-granddaughter of Mary Faneuil, sister of Peter Faneuil, of Boston. They have had six children: Elizabeth Anne, Edward Augustus (assistant clerk of the Superior Court), Mary Mitchell, Penelope Frances (widow of Henry F. Coolidge, a merchant of Portland, Me.), Sidney Faneuil, and Edith Gertrude.

WILLIAM GOODWIN RUSSELL, A. M., LL.D., Boston, was the son of Thomas and Mary Ann (Goodwin) Russell, and was born in Plymouth, Mass., November 18, 1821. Of English and Scottish ancestry he descended from Capt. Miles Standish, John Alden, and Richard Warren, of the Mayflower Pilgrims. His paternal great-grandfather,



WILLIAM G. RUSSELL.

John Russell, a merchant of Greenock, Scotland, came to Plymouth about 1745, and another great-grandfather, Samuel Jackson, of Plymouth, was the grandfather of Sidney Bartlett, for many years the leader of the Boston bar.

Mr. Russell attended the public schools of Plymoth and prepared for college under the tuition of Hon. John Angier Shaw, of Bridgewater. He was graduated from Harvard University in 1840, standing nearly at the head his class. Afterward he taught a young ladies' private school in Plymouth for a time and the academy at Dracut for one year as the successor of the late Gen. Benjamin F. Butler. He read law with his brother-in-law, William Whiting, of Boston, and at the Harvard Law School, graduating from the latter with the degree of LL.B. in 1845, and being admitted

to the Suffolk bar July 25, of the same year. Mr. Russell immediately associated himself in practice with Mr. Whiting, and for more than twenty-five years the firm of Whiting & Russell occupied a foremost place in Boston's legal circles. It continued until Mr. Whiting's death in 1873, by which time Mr. Russell had become a recognized leader of the bar. A little later the advancing age of Sidney Bartlett gave him the virtual leadership, and Mr. Bartlett's death in 1890 only served to confirm and strengthen it, and he continued as the recognized leader until his own death on the 6th of February, 1896.

After the death of Mr. Whiting in 1873, Mr. Russell formed a copartnership with George Putnam, son of the late Rev. George Putnam, D. D., minister of the First church in Roxbury for nearly fifty years. The firm of Russell & Putnam, like that of Whiting & Russell, became an eminently strong one, and its name is still retained. It is a noteworthy fact that the place of Sidney Bartlett, a Plymouth man, as the leader of the Suffolk bar, was taken by Mr. Russell, also a native of that ancient town. This circumstance is relieved of its singularity, however, by the fact that Mr. Russell's father and Mr. Bartlett were first cousins, and that both Bartlett and Russell inherited from a common ancestor those mental traits which, developed by education, go to make up the thorough lawyer. This ancestor was Samuel Jackson, a man of discriminating judgment and a judicial mind. When Mr. Russell chose the law as a profession he decided to pursue its paths with faithful steps, and to resist every temptation to leave them for the alluring honors of public life. He often refused judicial preferment, including the chief justiceship, and also declined to stand for any elective office, yet he carefully performed the duties of a loyal, patriotic, and public spirited citizen.

Mr. Russell continued uninterruptedly in the practice of his profession in Boston from the time of his admission to the bar until his death, a period of fifty-one years. He became a most powerful advocate in courts of law, and exercised an important influence upon the practice in the State. He exhibited a great general capacity brought by training to high efficiency. He had a memory of great tenacity, a power of attention that fixed every fact, a wonderful clearness of mental vision, a soundness of judgment that seldom erred, an active and busy intellect, an unsurpassed faculty for close and accurate reasoning, and a gift of luminous and forcible expression, both in speech and writing. The firm of Whiting & Russell had a very large general practice, which gradually fell wholly upon Mr. Russell's shoulders, as Mr. Whiting devoted himself for many years to important patent cases. Mr. Russell managed the entire detail of the business, including the clerical work, having neither bookkeeper, clerk, student, nor junior partner. During his long connection with Mr. Whiting he acquired an intimate knowledge of patent law, which enabled him to master the facts in the great Berliner case, in which he made, in 1895, an argument that admirably crowned his career in the courts. But he never made a specialty of patent litigation; his ambitions were wholly centered in general practice.

He was for forty years connected with the Social Law Library of Boston, being its clerk and treasurer from 1852 to 1860, a trustee from 1862 to 1878, and president from 1878 until his death. He was a scholar possessing not only a profound knowledge of the law, but a vast fund of general information. As a citizen he took a deep interest in public and educational affairs, and for many years was a member of the Board of Overseers of Harvard University, which conferred upon him the degree of LL.D. in 1878. He was a director of the Massachusetts Hospital Life Insurance Company and of the Mount Vernon National Bank of Boston, vice-president of the Pilgrim Society, president of the Union Club of Boston, a trustee of the Boston Museum of Fine Arts, an executor or trustee of numerous estates, and a member of the Union, University, and St.

Botolph Clubs of Boston. He was a foundation member of the Bar Association of the city of Boston in 1876, and served it as vice-president from that year till 1881 and as president from 1882 to 1884. He received the degree of A. M. from Harvard in 1843, at which time he delivered the valedictory.

Mr. Russell was married October 9, 1847, to Mary Ellen, daughter of Thomas and Lydia (Coffin) Hedge, of Plymouth, Mass., where he subsequently had his summer home. Their children were Thomas, whose sketch appears in this work; Lydia G. Allen (Mrs. Roger N. Allen), of Boston; and Marion, wife of Wm. S. Townsend.

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CHARLES GREELY LORING, LL.D., Boston, son of Caleb and Anne (Greely) Loring, was born in Boston, Mass., May 2, 1794. He was descended from Thomas Loring, who came from Axminster, England, in 1634, and settled in Hingham, Mass. The father of the subject of this memoir was Caleb Loring, an eminent Boston merchant, and his mother was Anne Greely, daughter of Capt. Jonathan Greely, who was killed while defending his ship, a letter-of-marque, against an English frigate near Marblehead, Mass., in the Revolutionary war.

Charles Greely Loring entered the Boston Latin School in 1804 and left it about five years later as a medal scholar. He matriculated at Harvard College as a sophomore in 1809 and was graduated from that institution with honors in 1812, having the Latin salutatory oration as his part in the ceremonies at commencement. At that time the only law school in the country was that at Litchfield, Conn., and there he began his legal studies immediately after leaving college, with Peleg Sprague, who had been his Harvard classmate, for a companion. He finished his studies in Boston in the office of Samuel Hubbard, esq., and was admitted to practice in the Court of Common Pleas in September, 1815, and in the Supreme Court in December, 1817. Mr. Hubbard, who became a justice of the Supreme Judicial Court in 1842, came to Boston from Maine in 1810 and associated himself with Mr. Jackson, and on the appointment of the latter to the bench in 1813 continued the business of the office and was in charge while Mr. Loring was a student. During a temporary abandonment of business by Mr. Hubbard, occasioned by illness, his young student conducted the affairs of the office, and with the consent of clients appeared before the Supreme Court and argued their cases. In 1816 Mr. Loring formed a partnership with Franklin Dexter, who had also been a classmate in college, which continued until 1819.



CHARLES G. LORING.

He advanced steadily in the estimation of the business community until the year 1825, at which date he may be said to have been in full practice, or, in other words, to have secured all the business which it was possible for a man conscientiously devoted to the interests of his clients to thoroughly comprehend and manage. From that time until 1855, Prof. Theophilus Parsons stated, "the published reports of decisions will show that, taking this whole period of thirty years together, no other man

had so large a number of cases in court, and of the cases of no other was the proportion so large of those which, by the novelty of the questions they raise, or of the peculiar circumstances to which they require the application of acknowledged principles, may be considered as establishing new law, or giving new scope and meaning to recognized law." To every case entrusted to him Mr. Loring gave unremitting attention, and in its preparation for trial no pains were spared to make its presentation both as to fact and law thorough and complete. He was seriously in earnest, apparently believed in the justice of his cause, and his addresses to the jury were elaborate, well constructed, compact, clear, and logical. He read largely from full and carefully prepared briefs, sifted and analyzed the whole testimony, and not only dwelt upon and enforced the strong points, but recognized and explained the weak ones, and all the while impressed his hearers, including the jury, that the conviction was valid and just.

During nearly all the years of his professional life he was subject to attacks of sickness, which incapacitated him for a time, but he seemed to recover with a power of labor seemingly increased rather than diminished by an interval of pain. At a later period he suffered from a disease of the eyes, and from 1832 to 1840, while at the height of his professional career, he was obliged to carry on his work by the aid of the eyes and the pen of others. In 1854 he had abandoned much of his lesser business, and was offered the position of actuary of the Massachusetts Hospital Life Insurance Company. Though he accepted this office he continued in charge of his old law cases, and argued them both in the courts of the Commonwealth and in the Supreme Court at Washington. He held this position until his death, bringing to the performance of his duties not only the prudence and wisdom of a man of affairs, but that familiarity with law so essential to the proper administration of the business of such an institution.

The life of Mr. Loring was crowned with appropriate honors in the several stages of its progress. At the age of thirty he was the commander of the New England Guards, and in accepting that post he was only following the custom among the rising lawyers which prevailed nearly up to the time of the war of the Rebellion. In 1849, when Daniel Webster resigned his seat in the United States Senate, Mr. Loring was asked by Governor Briggs to permit his appointment to fill the vacancy, and in 1853, when Mr. Everett resigned his senatorial chair, he was again invited by Governor Washburn to accept the appointment. He declined both of these honors, and also several offers to a seat on the bench of the Supreme Judicial Court. In 1862 he was a member of the Massachusetts Senate. In 1835 he was appointed a fellow of Harvard College and retained that office until 1857, and in 1865 he was chosen to preside at the reception given by the college to her sons on their return from the war. In 1850 he received the honorary degree of LL.D. from his alma mater. He was a member of the American Antiquarian Society, of the American Academy of Arts and Sciences, of the New England Historic Genealogical Society, and of the Massachusetts Historical Society. In 1853 he visited Europe, and from the members of the legal profession in England he received marked attention.

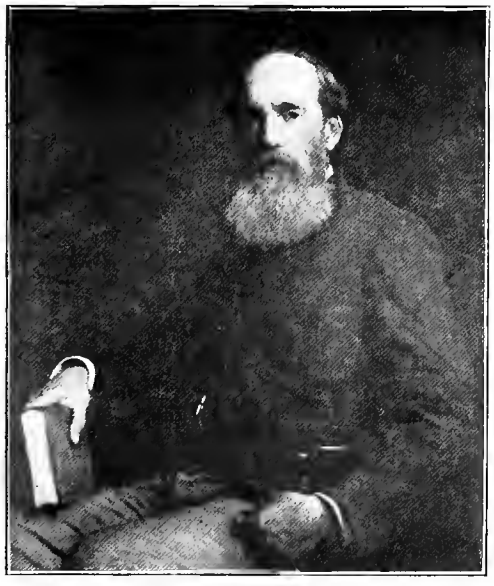
Absorbed as he was in his professional pursuits, Mr. Loring found time to make important contributions to the press on leading subjects of the day, and to take an active interest in the affairs of his church and in the various charitable and reformatory movements agitating from time to time the popular mind. He was a strong opponent of slavery, though not a member of the anti-slavery party, and in 1851, when the trial of Sims, an escaped slave, took place before the United States Commission, he appeared as his counsel and made the closing argument. His last literary production was a pamphlet published in 1866, bearing the title of "Reconstruction-Claims of the Inhabitants of the States engaged in the Rebellion to Restoration of Political Rights and

Privileges under the Constitution," which attracted wide attention. Mr. Loring was one of the profoundest advocates at the Suffolk bar, remarkable for persevering energy, intensely devoted to his profession, and firm in his convictions. He was a brilliant orator, and in 1821 was the last of those appointed by the authorities of the town of Boston to deliver the Fourth of July oration. He drafted the act incorporating the Mercantile Library Association, and on February 26, 1845, delivered for it an address on the "Relations of the Bar to Society." About this time he was president of the Suffolk Whig Committee and in 1848 he was president of the Webster Whig Club. He had his winter home in Boston and after 1844 spent his summers in Beverly, Mass., where he died October 8, 1867.

Mr. Loring was married three times, first in 1818, to Anna Pierce Brace, of Litchfield, Conn., who died in 1836; second, in 1840, to Mary Ann, daughter of Judge Samuel and Sarah (Gooll) Putnam; and third, in 1850, to Mrs. Cornelia Amory Goddard, widow of George A. Goddard and daughter of Francis Amory, of Boston. His second wife, Mary Ann, was born August 20, 1803, and died April 10, 1845. His third wife survived him, as did also two daughters and two sons, the latter being Caleb William Loring, whose memoir appears in this work, and Charles Greely Loring, jr., who was graduated from Harvard in 1848 and served three years in the Civil war, being mustered out with the rank of brevet major-general.

CALEB WILLIAM LORING, Boston, son of Hon. Charles Greely Loring, LL.D., and Anna Pierce Brace, was born July 31, 1819, in Boston, Mass., where he always resided. His father was one of Boston's most eminent lawyers, and is noticed at length in another memoir in this work. His grandfather, Caleb Loring, was a prominent Boston merchant, and his paternal grandmother, Anne Greely, was the daughter of Capt. Jonathan Greely, who was killed while defending his ship against an English frigate in the Revolutionary war.

Mr. Loring received his preliminary education in the public schools of his native city. He was graduated from Harvard College with the degree of A. B. in the class of 1839 and from the Harvard Law School with the degree of LL.B. in 1842, and was admitted to the Suffolk bar on July 6, of the latter year. Afterward he was admitted to the bar of the United States Supreme Court at Washington, where he argued a number of important cases. He obtained his first active practice in the courts, however, with the firm of Loring & Dehon, of which he was the junior member, his father being the head and William Dehon the other partner. At other times he was associated as



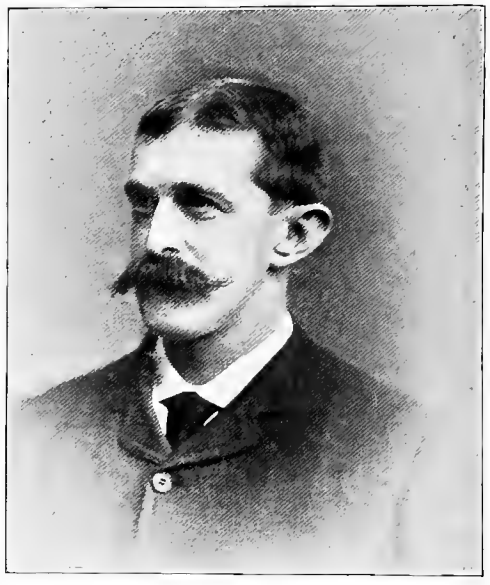
CALEB W. LORING.

junior counsel with Rufus Choate, Benjamin R. Curtis, Sidney Bartlett, and Richard H. Dana. In early life he had a large general practice and tried many important insurance cases, and afterward he became a trustee and attorney for estates, wills, and trusts, representing a large amount of property. He was also largely interested in various real estate

and manufacturing companies, among which may be mentioned the Fifty Associates and the Plymouth Cordage Company, of the latter of which he was president. In politics he was an independent Republican. He died January 27, 1896.

Mr. Loring was an able lawyer, a brilliant advocate, and a man of rare professional accomplishments. He achieved eminent success in business as well as in the law, and was widely respected and esteemed. His summer home was at Beverly Farms, Mass. January 15, 1845, he married Elizabeth Smith Peabody, eldest child and daughter of Joseph Augustus and Louisa (Putnam) Peabody, of Salem, Mass., and a granddaughter of Judge Samuel Putnam, whose memoir appears on another page of this work. They were the parents of William Caleb Loring, whose sketch also appears in these pages.

WILLIAM CALEB LORING, A. M., associate justice of the Supreme Judicial Court of Massachusetts, was born at his grandfather's summer home in Beverly, Mass., August 24, 1851, and is the son of Caleb William Loring, a grandson of Charles Greely Loring, LL.D., and a great-grandson of Hon. Samuel Putnam, associate justice of the Supreme Judicial Court from 1814 to 1842, all of whom are noticed in memoirs in this work. Mr. Loring was educated in Boston at the celebrated private schools of Eliot Fettee and Epes Sargent Dixwell, and was graduated from Harvard College in the class of 1872, holding membership in the Institute of 1770, the Delta Kappa Epsilon, the Phi Beta Kappa, the A. D. and Hasty Pudding Clubs. He rowed in the freshmen crew of 1869, which in a race against Yale, broke the time record, covering the course in 19:23. He was also a member of the University Crew of 1871. On leaving college he entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1874, being admitted to the Suffolk bar in June of the same year. During this period he contributed an important article to the American Law Review. He remained another year at Harvard and received the degree of A. M. in 1875, and during the following summer and autumn was private secretary to Horace Gray, then chief justice of the Massachusetts Supreme Judicial Court and now an associate justice of the Supreme Court of the United States.



WILLIAM C LORING.

On the 1st of December, 1875, Mr. Loring was appointed by Charles R. Train assistant attorney-general of Massachusetts, which office he filled with great credit and satisfaction until July 1, 1878, when he resigned. He then became a law partner of John C. Ropes and John C. Gray under the firm name of Ropes, Gray & Loring, until September 6, 1899, when he accepted a seat upon the Supreme Judicial Court of Massachusetts. In 1882 Mr. Loring became the general solicitor of the New York and New England Railroad Company and later the general counsel for the receiver, Charles P. Clark. He continued in this capacity until January 1, 1886, when he resigned, the property then being handed back to the company. Since that time he has

been actively and successfully engaged in the general civil practice of his profession in Boston. In 1886 he was admitted to the bar of the United States Supreme Court.

Mr. Loring's practice, or rather that of his firm, consists largely of corporation and commercial law. He has displayed legal qualifications of an unusually high order, and for several years has enjoyed a leading place at the Boston bar. His ability, his broad and comprehensive knowledge of the science of the law, his strong personal character, and his power as an advocate and counselor are recognized and widely admired. In August, 1899, Mr. Loring was nominated by Governor Wolcott and confirmed by the Council as a justice of the Supreme Judicial Court, and took his seat upon the bench at Pittsfield. In politics he is a Republican. He is a member of the New England Historic Genealogical Society and of various social organizations, and resides in Boston in the winter and in summer at Beverly Farms, which have been the family homes for many years.

Mr. Loring was married September 25, 1883, to Susan Mason Lawrence, daughter of Amos A. Lawrence, of Brookline, Mass.

AMBROSE ARNOLD RANNEY, Boston, was the sixth son of Dr. Waitstill R. and Phoebe (Atwood) Ranney, and was born in Townshend, Windham county, Vt., April 16, 1821. His father was the leading physician of that town and a descendant of one of the oldest and most prominent families in New England. Dr. Ranney was also lieutenant-governor of Vermont two terms.

Mr. Ranney was fitted for college at the Townshend Academy. In 1840 he entered Dartmouth and was graduated therefrom with high honors in 1844, among his classmates being Hon. Harvey Jewell and Hon. Mellen Chamberlain, of the Boston bar. Immediately after graduating Mr. Ranney accepted an appointment as principal of the Chester (Vt.) Academy, which he held two years. He read law in the office of Hon. Andrew Tracy, a leading lawyer of Woodstock, Vt., where he was admitted to the bar December 2, 1847. Soon afterward he removed to Boston and was admitted to the Suffolk bar July 15, 1848.

Possessing unerring legal instincts and a mind thoroughly disciplined by education, Mr. Ranney was not long in securing, by the aid of mental and physical capacity for unre-



AMBROSE A. RANNEY.

mitting work, an extensive and lucrative practice. His legal attainments rapidly brought him into prominence and gave him a place among the leaders of the Suffolk bar. He was eminently successful. In 1852 he formed a copartnership with Nathan Morse, which continued under the style of Ranney & Morse for many years, becoming one of the best known law firms in Massachusetts. Mr. Ranney was originally a Whig, but became a Republican soon after the organization of the party, and in various capacities served it with credit and honor. He was city solicitor of Boston in 1855 and 1856, a representative to the Massachusetts Legislature in 1857, 1863 and 1864, and a member of the Forty-seventh, Forty-eighth, and Forty-ninth Congresses from the

old Third congressional district, serving from March 4, 1881, to March 4, 1887. In the National House of Representatives at Washington his legal attainments were early recognized, and few members were accorded a more general and attentive hearing in the discussion of questions requiring legal study to unravel and expound. During his first two terms he served on the committee on elections; during his third term he was a member of the judiciary committee and chairman of the special committee to investigate the Pan Electric scheme. He also rendered valuable service in the investigation of frauds and in the interest of fair elections and a fair ballot box.

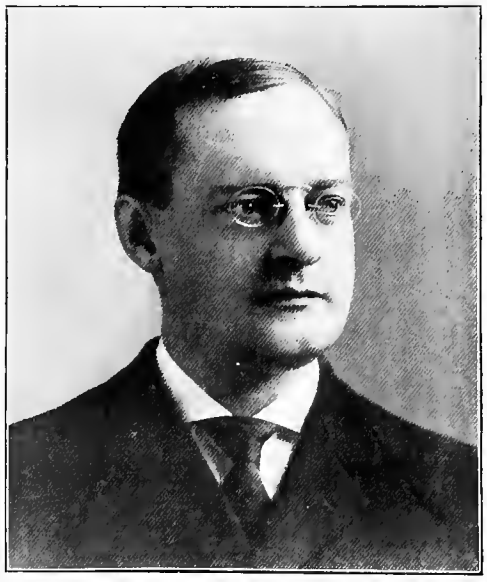
Mr. Ranney came to the bar thoroughly equipped for the work of his profession. On his father's farm in Woodstock, Vt., where he spent the first nineteen years of his life, he acquired a strong, robust constitution. During his academic and collegiate course he not only laid the foundation upon which he built an honorable career, but developed those qualities that won for him a leadership, especially as a jury lawyer, at the Massachusetts bar. On coming to Boston he was for a time a teacher in the Brimmer Grammar School, but soon established himself in the practice of the law, and for many years devoted himself almost entirely to his professional duties. He was also a prominent figure in the politics of the Commonwealth, but after completing his third term in Congress gave his whole attention to his legal business. He was universally respected and esteemed, and as a lawyer and citizen enjoyed the confidence of the entire community. He was one of the oldest members of the Church of the Unity (Unitarian), in Boston, a foundation member of the Boston Bar Association in 1876, and died March 5, 1899.

Mr. Ranney was married December 4, 1850, to Maria D., daughter of Addison and Maria (Ingals) Fletcher of Cavendish, Vt. Their children were Fletcher, Maria F., Helen M., and Alice (Mrs. Thomas Allen). Fletcher Ranney was graduated from Harvard College in 1883, and from the Boston University Law School in 1886, and is now a successful lawyer in Boston.

CHARLES SUMNER HAMLIN, of Boston, ex-assistant secretary of the United States Treasury during the second administration of President Cleveland, was born in Boston, August 30, 1861.

The Hamlin family constitute one of the old Massachusetts families who settled on Cape Cod in that State.

James Hamlin was the first of that name. He was the son of Giles Hamlin and grandson of John Hamelyn of Cornwall. He settled in Barnstable in the spring of 1639. He died in



CHARLES S. HAMLIN.

1690. His son, Eleazer Hamlin, was born March 17, 1650, in Barnstable. He served in Captain Gorham's Company in King Philip's war. His son, Isaac, was born in Barnstable, August 20, 1676. His son, Eleazer, was born May 24, 1723, and died December 1, 1807. He was a very prominent man and served as major in the Revolutionary war. At the close of the war he moved to Harvard, Mass., where his homestead remains standing at the present

time. He then moved to Westford, Mass., and died there. His son, Asia, lived and died in Westford, Mass.; he served in the war of 1812. Asia's son, Nathan Sumner Hamlin, lived and died in Westford, Mass. He was a man of great prominence in the community. He served for many years as selectman, moderator, and in other town offices. He was a member of the State Legislature, and as a Democrat, voted for Charles Sumner for United States senator, thus assuring his election.

Edward Sumner Hamlin, in the seventh generation, was a prominent merchant in the city of Boston. He married Anna Gertrude Conroy, and became the father of the subject of this sketch. He died in 1888. Mrs. Hamlin took a zealous interest in educational affairs, and gave much time and energy to the public institutions and especially the public schools of Boston up to the time of her death in 1882. Hannibal Hamlin, vice-president of the United States under President Lincoln, and Dr. Cyrus Hamlin, of Lexington, Mass., former president of Roberts College, Constantinople, are of the same stock, and closely related to Mr. Hamlin.

Young Hamlin was fitted for college at the Roxbury Latin School, and entering Harvard University was graduated in the class of 1883. Choosing the legal profession, he entered the Harvard Law School and graduated from that institution in 1886. He also received the degree of Master of Arts from Harvard the same year. He immediately began practice in Boston and continued it up to the time of his appointment as assistant secretary of the United States Treasury. In 1886, and again in 1887, he was nominated as a Democrat for the State Senate, but was defeated in each instance. Mr. Hamlin was nominated by acclamation in 1892, by the Democratic State Convention of Massachusetts, for secretary of state. He was associated on the ticket with the late Gov. William E. Russell, but with the rest of the ticket met with defeat, although Governor Russell was elected. In April, 1893, he was appointed by President Cleveland, assistant secretary of the United States Treasury, and served throughout the administration.

The passage of the new tariff law during his administration of customs affairs placed upon Mr. Hamlin's shoulders a vast responsibility, which required the exercise of the keenest judgment and the most untiring industry for its discharge. The change of tariff policy, substituting ad valorem schedules for specific, opened greater opportunities to those disposed to defraud the revenues, and to those undervaluation abuses Mr. Hamlin devoted himself with untiring zeal. During his incumbency of office the entire accounting system of the United States Treasury was changed and Mr. Hamlin was appointed to represent the secretary of the treasury to confer with and assist a commission appointed by Congress to arrange a new system of accounting.

Mr. Hamlin devoted much attention to the question of the seal fisheries of Bering Sea while in office and labored zealously in the effort to procure more adequate protection for the seal herd than is afforded by the regulations adopted by the Paris Tribunal. During the year 1894 he went to Alaska, journeying by sea over the whole coast line and spending ten days upon the Pribilof Islands in Bering Sea. Returning he made an exhaustive report upon the present condition of affairs in Alaska. He also devoted much time to the relations of the consular service to the customs and his constant aim was to increase the efficiency of our representatives abroad by simplifying and systematizing their duties in connection with the customs service. He resigned the position of assistant secretary in April, 1897. The day after his resignation as assistant secretary, he was offered the position of commissioner of the United States by President McKinley to serve with the Hon. John W. Foster, ex-secretary of state under President Harrison, in negotiating for a satisfactory settlement by treaty or otherwise of the fur seal controversy between the United States, Great Britain, Japan and Russia. He accepted the position. His colleague, Mr. Foster, at once went to Russia while Mr.

Hamlin went to Japan to confer with the government of Japan upon this matter. Returning from Japan, he was appointed with Hon. John W. Foster and Prof. David Starr Jordan, of Leland Stanford University, California, a delegate with full powers to a convention held in Washington, November, 1897, between the United States, Russia and Japan. A treaty covering all questions relating to the fur seal fisheries of Bering Sea was entered into at this convention and signed by Mr. Hamlin and his colleagues in the name of the United States. After the conclusion of this treaty, Mr. Hamlin was appointed by President McKinley as a delegate, together with Prof. Jordan, to a convention between Great Britain and the United States, called to settle all questions, scientific or otherwise, in connection with the fur seal controversy between Great Britain and the United States. Mr. Hamlin was elected presiding officer at this convention, which was attended by Hon. John W. Foster, Prof. Jordan, Sir Wilfrid Laurier, Sir Louis Davies and Sir Julian Pauncefote, the three latter representing Great Britain. As a result of its deliberations, an agreed statement of facts was drawn up covering all disputed points and signed by all the delegates.

Mr. Hamlin early gave his attention to economic questions and especially devoted himself to the subject of the tariff. In the fall of 1896 he was the first Democrat holding office under the national administration to repudiate the so-called Democratic convention which nominated Mr. Bryan for president. He later published a paper in Harper's Weekly, in which he denounced the platform on which Mr. Bryan was nominated.

In June, 1896, Mr. Hamlin delivered an oration at the commencement exercises of the Washington and Lee University of Lexington, Va., before the joint literary societies of the university. In December of that year he received the honorary degree of Doctor of Laws.

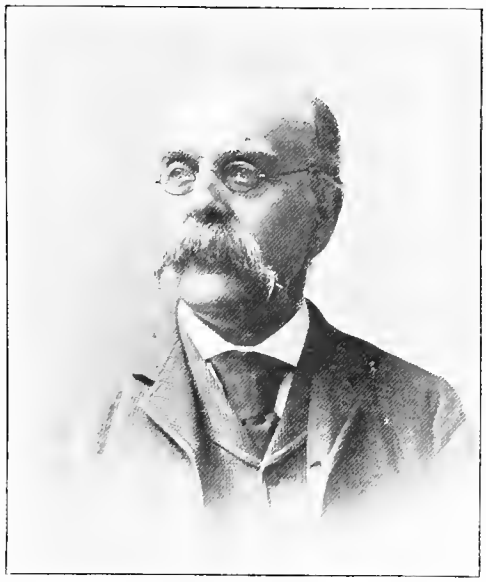
Mr. Hamlin was married June 4, 1898, to Miss Huybertie Lansing Pruyn, of Albany, New York.

Since finishing his work as a commissioner or the United States, Mr. Hamlin has devoted himself to the practice of law in Boston. He is a member of the council of the Bar Association of the city of Boston. He is also a vice-president of the New England Free Trade League, of the Young Men's Democratic Club of Massachusetts, of the Massachusetts Reform Club, and a member of the New York Reform Club and of the Civil Service League, and is president of the Anti-Double Taxation League. He is president of the Apollo Club, one of the leading musical associations of Boston, and is a member of the Union, University, Tavern and Exchange Clubs of Boston, of the University Club of New York, of the Metropolitan and Cosmos Clubs in Washington, and of the St. James Club, Montreal.

SELWYN ZADOCK BOWMAN, Boston, son of Zadock and Rosetta (Cram) Bowman, was born May 11, 1840, in Charlestown, now a part of Boston, Mass., where his father was engaged in the wholesale and retail grocery business. His paternal grandfather was a resident of Center Harbor, N. H., and his original American ancestor, Nathaniel Bowman, settled at Watertown, then called Cambridge Farms, Mass., about 1631, and subsequently removed to East Lexington, where his ancient homestead still stands, an interesting landmark of early colonial days.

Mr. Bowman was educated in the public and high schools of Charlestown and at Harvard College, from which he was graduated in the class of 1860, having as classmates John Torrey Morse, author of "The Law of Banks and Banking," "The Law of Arbitration and Award," a "Life of Alexander Hamilton," and biographies of Thomas Jefferson, Benjamin Franklin, John Adams, and others; Henry Austin Clapp, the well known Shakesperian lecturer and clerk of the Supreme Judicial Court for Massachusetts; Thomas Sherwin, of Boston; and Hon. George E. Adams, member

of congress from Chicago. On leaving college Mr. Bowman took up the study of law in Boston with Hon. David Haven Mason and afterward entered the Harvard Law School, from which he received the degree of LL.B. in 1863. In the mean time, in 1862, he had been admitted to the Suffolk bar, and later he was admitted to the bar of the United States Supreme Court at Washington. He has been actively



SELWYN Z. BOWMAN.

and successfully engaged in the general practice of his profession in Boston for a period of thirty-six years, building up a constantly increasing business, and developing legal qualifications of a high order. Of late years he has been largely identified as trustee with important trust estates.

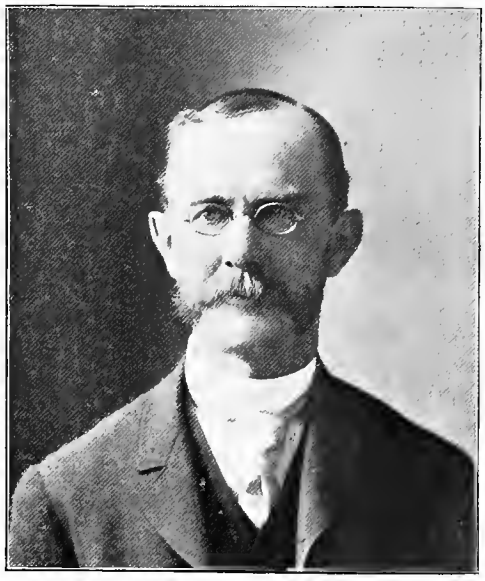
He has resided in Somerville, Mass., since 1856, and was a representative from that town to the lower house of the Massachusetts Legislature in 1870, 1871 and 1875 and to the State Senate from the Second Middlesex district in 1876 and 1877. In the latter body he was chairman of the Hoosac Tunnel committee which had the vexatious tollgate questions under consideration. He was a member of congress from the old Fifth Massachusetts district two terms (1880–84), and in that capacity served as a member of the committee on claims during the four years. As congressman he made a brilliant record, taking a prominent and an active part in the tariff and other debates, and achieving distinction as the author of "An Act to afford relief to Congress and the executive departments in the investigation of claims against the government." This measure was drafted and introduced by him and through his efforts and influence was passed and became a law, and has ever since been quoted in legal proceedings as "the Bowman bill." It is one of the very few instances in the history of the country where a bill has legally borne from the time of its introduction the name of its author, as this one has.

In politics Mr. Bowman has always been an ardent Republican. He has gained distinction as an eloquent campaign orator and public speaker, and in the law as well as in legislative matters has displayed eminent ability, good judgment, and broad leadership. He was the first city solicitor of the city of Somerville, and afterward served for nine years in that capacity, resigning in 1897. He is a foundation member of the Central Club of Somerville, a member of Soley Lodge, F. & A. M., an honorary member and past master of John Abbott Lodge, F. & A. M., and a member of Somerville Chapter, R. A. M., and of Cœur de Lion Commandery, K. T. He is also a member of the Boston Bar Association.

Mr. Bowman was married June 20, 1866, to Martha E., daughter of Bowen and Sarah (Meade) Tufts, of Lexington, Mass., and they have two daughters: Mabel and Ethel.

ALFRED CLARENCE VINTON, Winchester and Boston, conveyancer for the Metropolitan Water Board, is the son of Rev. John Adams and Laurinda (Richardson) Vinton, and was born in Stoneham, Mass., July 16, 1844. He is descended in the eighth generation from John Vinton, who was living in Lynn in 1648, and on his mother's side from

Samuel Richardson, one of three brothers, who settled in Woburn about 1641. His grandfather, Josiah Vinton, a prominent Boston merchant, married Betsey Snow Giles, of Rockport, Mass., and died in 1857. Rev. John Adams Vinton, son of Josiah and father of Alfred C., was graduated from Dartmouth College in 1828, and became a clergyman in the Congregational church. He retired from the ministry in 1849 and died in 1877. He



ALFRED C. VINTON.

was one of the first to interest himself in genealogical research and for many years devoted his energy to this work, becoming the author of the Vinton, Giles, Symmes, Upton, Sampson, Richardson, and other family memorials. Of these the Vinton and Giles memorials especially contained genealogies of allied families.

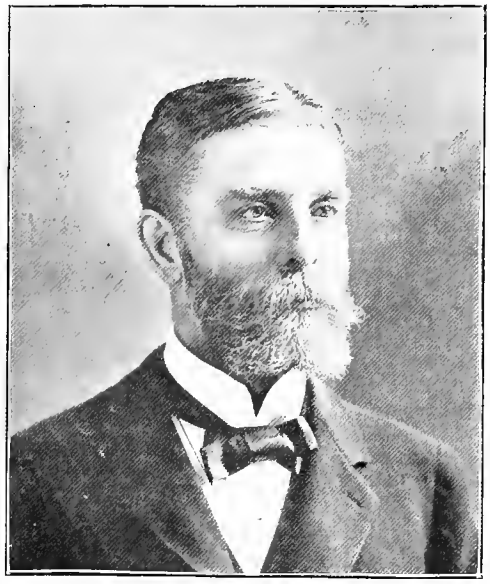
Mr. Vinton is descended from John and Priscilla (Mullins) Alden of the Mayflower and from many other early settlers of Massachusetts, and from these long lines of ancestry he inherited the intellectual traits of a typical New Englander. He received his first education in the Stoneham public schools, and in 1852 came with his parents to Boston, where he was graduated from the Lawrence Grammar School with a Franklin medal and from the Boston Latin School in 1862. In 1866 he was graduated with honor from Harvard College, after a regular four years' course, holding membership in the Phi Beta Kappa, and the Christian Brethren Society. Among his classmates were Samuel A. B. Abbott, William P. Blake, William A. Hayes, Moorfield Storey, Charles E. Stratton, and John L. Thorndike, of the Boston bar; Prof. Samuel C. Derby, Dr. Thomas P. Shaw, Prof. William G. Farlow, and others. Three years later, in 1869, Mr. Vinton received from Harvard the degree of A. M. in course. After leaving college he taught school about three months in Abington, Mass., and for two years was submaster of the old Park Latin School in Boston. In August, 1868, he entered the law office of the late Charles Theodore Russell of Boston, where he remained until March, 1869, when he became a student at the Harvard Law School. One year later he entered the Boston office of Edward Sprague Rand, father of Col. A. A. Rand, and on January 21, 1871, he was admitted to the Suffolk bar. In March following he began the active practice of his profession in Boston alone, and so continued until March, 1887, having as his office associates George Putnam from 1871 to 1874, and George M. Reed from 1874 to March, 1887. In March, 1887, Mr. Vinton became counsel of the Massachusetts Title Insurance Company, of Boston, and continued in that capacity with great credit and satisfaction until February, 1895, when he resigned and formed with Arnold A. Rand, John Lathrop Wakefield, and Edward A. Wilkie the present law firm of Rand, Vinton & Wakefield. All of these associates had been prominently connected with the Massachusetts Title Insurance Company, Colonel Rand having been the manager.

As a lawyer Mr. Vinton has achieved a leading place at the Boston bar, and is regarded as a man of broad and accurate learning, of sound judgment, and of unswerving integrity. His practice has been largely in the line of probate law, conveyancing, etc.; in conveyancing es-

pecially he has won a wide reputation, being recognized as one of the best and ablest lawyers engaged in that branch in eastern Massachusetts. He has been conveyancer for the Metropolitan Water Board since December, 1895, and in this capacity has performed an immense amount of work in connection with various water systems within the district controlled by the board. He resided in Boston from 1852 to 1870, and since then in Winchester, Mass., where he was counsel for the Winchester Savings Bank from 1875 to 1887, trustee of the Winchester Town Library for six years, and a deacon of the Winchester Congregational church from 1881 to January, 1899, when he declined re-election. In politics he has always been an ardent Republican with decided convictions, but has seldom taken an active part in political affairs, preferring to devote his whole time and energy to his profession. He was for some time an official member of the Mystic Valley Club, and was long a member of the Congregational Club of Massachusetts, of which he was secretary five years. Besides occasional contributions to the newspapers he wrote for a local publication a historical memoir of the family of Edward Convers, one of the original settlers of Woburn. He is a member of the Boston Bar Association and of the Abstract Club of Boston.

Mr. Vinton was married October 11, 1872, to Emma Frances Mills, daughter of the late James Mills of Boston, and of their three children one is living, viz.: Mabel Laurinda Vinton, a student at Radcliffe College, class of 1902.

JOHN OSCAR TEELE, Boston, is the son of Samuel and Ellen Chace (Clough) Teele, and was born in Wilmot, N. H., July 18, 1839. The family on his father's side is of Swiss origin, and on his mother's Mr. Teele is of English descent. Two brothers named Tell came from Canton of Berne, Switzerland, in the early part of the seventeenth century, and settled in Massachusetts, and from the elder of them the subject of this article is descended. The name Tell, as shown by records of real estate transfers, was retained for two or three generations, when for some reason it was changed to Teel. In 1867 Mr. Teele added the final "e," simply as a matter of taste, and the present spelling has since been adopted, so far as known, by all persons of that name in New England.



JOHN O. TEELE.

Mr. Teele was prepared for college at the New Hampton and New London Academies in New Hampshire, was advanced as below, and immediately after casting his first vote for Abraham Lincoln for president in 1860 went to New Orleans, where he engaged in teaching as private tutor. There he spent his leisure in reading law in the office of Judah P. Benjamin, and thus combined the vocations of teacher and law student to his lasting benefit. The excitement due to the secession of Southern States, and the inability of his friends in the South to protect him from being drafted into the Confederate army, compelled him to return north in the summer of 1861. He passed Tennessee and Kentucky on the last train that was allowed to go through until the

close of the war, and soon after arriving in his native State entered the law office of the late Judge George W. Nesmith at Franklin. He also studied with Austin F. Pike and Daniel Barnard, of the same place, and was admitted to the New Hampshire bar at Concord in 1862. In that year he enlisted in a Dartmouth College company which became part of a Rhode Island squadron of cavalry, and was serving as clerk of a court martial at Winchester, Va., when that city was abandoned in September, 1862, the force retiring to Harper's Ferry. He was one of the cavalrymen who escaped from Harper's Ferry the night before the surrender to General Jackson and two days prior to the battle of Antietam.

In 1863 Mr. Teele, having been honorably discharged after his term of enlistment had expired, began the active practice of law at Hillsboro Bridge, N. H., as a partner of Hon. James F. Briggs. This copartnership lasted until 1867, and during two or three years of that time Mr. Teele served as treasurer of Hillsboro county. He had been admitted to the Middlesex bar in Massachusetts in 1862, and in 1867 he removed to Boston, where he has since been engaged in the active practice of his profession. In 1863 he formed a partnership with Hon. Charles R. Train, member of congress and attorney-general of the Commonwealth, which continued under the firm name of Train & Teele until Mr. Train's death July 29, 1885. Since then Mr. Teele has practiced alone. He has had a large and successful business, with no specialty, except perhaps in advising towns and corporations. As a member of the lower house of the Massachusetts Legislature in 1886 and 1887 he served on the judiciary committee and established a high reputation. He declined a third term. He is a director of the Winnisimmet Company, of the Atlas Mutual Insurance Company, and of other corporations.

Mr. Teele matriculated at Dartmouth College and was advanced two years, but his collegiate course was interrupted by the war. After the close of the Rebellion, however, that college conferred upon him an honorary degree. He is a member of the Boston Art Club and of the Masonic fraternity, and has been a member of the Boston Bar Association since its establishment in 1876. February 28, 1868, he married Mary Page Smith, daughter of Lewis Smith, of Waltham, Mass. They have one son living, Arthur Page Teele, who was born June 24, 1874, in Waltham, was graduated from the Boston Latin School in 1891 and from Harvard College in 1895, attended the Boston Law School, read law with his father, and was admitted to the Suffolk bar September 23, 1898.

ELMER PARKER HOWE, Boston, is the son of Archelaus and H. Janette (Brigham) Howe, and was born in Westboro,



ELMER P. HOWE.

Mass., November 1, 1851. He attended the public schools of Worcester, Mass., whither his parents had removed when he was young, and was graduated from the Worcester Polytechnic Institute in 1871. The next year he entered Yale College, where he took high rank as a scholar, and from which he was graduated in the class of 1876. On leaving college he began the

study of law in Boston in the office of Hillard, Hyde & Dickinson, then one of the leading law firms in eastern Massachusetts. He also took a course of lectures at the Boston University Law School and was admitted to the Worcester bar in September, 1878. In January, 1879, he became a member of the firm of Hillard, Hyde & Dickinson, which was changed to Hyde, Dickinson & Howe after the death of George Stillman Hillard, which occurred on the 21st of the same month. The partnership was finally dissolved in January, 1889, and since then Mr. Howe has practiced alone.

Mr. Howe has devoted himself chiefly to the practice of patent and corporation law, and during his career at the bar has been connected with many important cases. In politics he is an independent with Republican proclivities, but he has always declined public office, preferring the uninterrupted practice of his profession. He is a member of the Union, University, and Country Clubs of Boston and of the Boston Bar Association, to which he was elected in 1885. He resides in Boston and is unmarried.

ARTHUR DAGGETT McCLELLAN, Boston, son of John and Ama I. (Daggett) McClellan, was born in Sutton, Mass., May 21, 1850, and when four years old moved with his parents to Grafton. His paternal ancestor, James McClellan, came to New England with a company of Scotch-Irish settlers and located in Worcester, Mass., in 1718. From Samuel, a brother of James, descended General George B. McClellan, a distinguished officer in the Civil war. On his mother's side Mr. McClellan is a lineal descendant of John Doggett, who came over with Governor Winthrop's party in 1630 and who settled with Sir Richard Saltonstall in Watertown, Mass., the same year. Thomas Doggett, of London, a kinsman of John, gave the waterman's coat and silver badge to be rowed for in honor and commemoration of the accession to the English throne of King George I. This prize has been rowed for annually since 1715, from London Bridge to White Swan, Chelsea. Napthali Daggett, as the name has been spelled in later years, was a descendant of the first American ancestor, John Doggett, of Watertown, and was president of Yale College during the Revolutionary period.

Mr. McClellan attended the Grafton (Mass.) high school and was fitted for college at Worcester Academy, from which he was graduated



ARTHUR D. McCLELLAN.

in 1869. The same year he entered Brown University, where he took an active part in college societies, and from which he was graduated with honor in 1873, holding membership in the Delta Kappa Epsilon. He not only ranked high as a scholar, but was especially distinguished during his college course in athletics, and his physical development was considered so nearly perfect that he gained and bore for many years in boating circles the name of "the little giant." He was a member of the Brown freshman crew of 1870 which won the race on Lake Quinsigamond, near Worcester, over the competing crews of Harvard, Yale, and Amherst, and was also one of the university crew of 1871. In October, 1873, he went to Worcester and entered the law office of Ba-

con & Aldrich, the firm consisting of Peter C. Bacon and Peleg Emery Aldrich, the latter of whom was in that year appointed an associate justice of the Massachusetts Superior Court. Judge Aldrich was succeeded by W. S. B. Hopkins, who had achieved distinction as an advocate, and the firm was changed to Bacon & Hopkins. While a law student Mr. McClellan reported the court proceedings for the Worcester Gazette, and this work, which was highly commended, served to educate him in the methods and practice of his profession and furnished him valuable aid in his preparation for a legal career. He came to Boston in October, 1874, and entered the office of Charles Henry Drew, now justice of the Police Court of Brookline, and Albert Mason, now chief justice of the Superior Court, but at that time partners under the firm name of Drew & Mason. At the same time he attended lectures at the Boston University Law School, taking the whole course in one year, and receiving the degree of LL.B. and being admitted to the Suffolk bar in June, 1875.

He remained with Drew & Mason until 1877, when he formed a copartnership with Charles C. Barton and George S. Forbush, under the style of Barton, McClellan & Forbush, which was changed two years later to Barton & McClellan, Mr. Forbush having withdrawn. This firm continued for five years more, and since then the two men have practiced alone, though having offices together. In the autumn of 1876, Mr. McClellan originated the idea of having the short lists of cases in all the courts of Suffolk county published daily and circulated each afternoon among subscribers at the bar, and as a result he began the publication of the Daily Law Bulletin, which contained the short lists for the next day, the names of the parties to suits, the counsel on both sides, a brief report of the trials of the day, and the findings of the courts or verdicts of the juries. Later the Bulletin was enlarged by adding the trials of the United States Courts and the courts of Norfolk and Middlesex counties and by adding chattel and real estate mortgages, rescripts of the Supreme Judicial Court, etc. The Daily Law Bulletin was the first publication of its kind in this country, and had a notable influence upon the methods of court reporting, but the idea and plan were soon copied and adopted in most of the large cities in other States. About the same time Mr. McClellan became interested in the publication of the Banker and Tradesman, a weekly issue containing full information concerning transfers and mortgages of real and personal estate in all the counties of Massachusetts.

But a growing law business compelled him after about two years to dispose of his interest in both of these publications, which have been continued by other parties, and which have developed and carried out the ideas of their enterprising founder. In his general practice, which was large and satisfactorily lucrative, he achieved merited distinction, being especially successful in the organization of corporations and in the direction of their legal and financial affairs. He was counsel for several land companies and steam and street railways in process of construction, and the knowledge of the conditions affecting the values of real estate in the vicinity of Boston which he acquired while acting in that capacity enabled him to make large and successful transactions in the purchase and sale of suburban property. This and several other business enterprises led him a few years ago to retire very largely from the active general practice of law and devote himself to his extensive private interests. So far as his personal business is concerned, however, he still keeps in touch with his profession.

Mr. McClellan has been a partner in the large mercantile house of Jerome Marble & Co., of Boston and Worcester, since 1889; is or has been president, treasurer, and director of numerous corporations and a director in national banks; has heavy financial interests in various other enterprises; and recently purchased with others about 90,000 acres of land in the Hawaiian Islands, which is being put into a very large sugar plantation. He has traveled extensively since 1894, having visited, in several

trips abroad, almost every country in Europe and Asia. He has been for several years, and is now, a trustee of Brown University. He was president of the New England Paint and Oil Club in 1893 and 1894, has been a delegate to the Associate Board of Trade since 1893, was a delegate to the National Paint, Oil and Varnish Association's convention in 1895, and was secretary to the Boston Alumni Association of Brown University from 1893 to 1896 inclusive. He is a member of the Boston Art Club, of which he was secretary from 1889 to 1895; a member and one of the founders of the University Club of Boston, which he served on the executive committee during the first four years; and a member of the Algonquin and Exchange Clubs and of other organizations of Boston, and also of the Boston Bar Association since 1885. In politics he defines himself a "Mugwump" who is still a Republican, but has always declined public office. He is a member of the vestry of Emanuel Episcopal church, Boston, and has resided in this city since 1874. Mr. McClellan has two qualities rarely found together in a lawyer—great business and financial ability combined with legal and judicial attainments of a high order; and he has achieved eminent success as well as distinction in both his profession and in the field of business enterprise.

He was married October 8, 1882, to Mrs. Mary A. Hartwell, widow of Capt. Charles A. Hartwell, of the United States army, and daughter of Timothy Townsend, of New York. She died April 1, 1894, leaving no children by him, and he married, second, January 12, 1898, Florence, daughter of George F. and Emma (Bannister) Armsby, of Worcester, Mass.

WILLIAM SAINT AGNAN STEARNS, Salem and Boston, son of Richard Sprague Stearns and Marianne Theresa Saint Agnan, was born in Salem, Mass., September 27, 1822. Richard Sprague Stearns was the youngest son of Dr. William Stearns, in his day the leading physician in Salem, and a graduate of Harvard College in the class of 1776. Mr. Stearns is descended from one of three brothers, Ralph, Richard, and William Sprague, who came over from England in the early days of the Massachusetts colony. His great-uncle on his paternal grandmother's side, Joseph Sprague, was graduated from Harvard in 1792. His eldest uncle, Joseph E. Sprague, who changed



WILLIAM S. A. STEARNS.

his name from Stearns to Sprague at the request of his maternal grandfather, was graduated from Harvard in 1804, having as his classmate and chum, Seth Low, the grandfather of Hon. Seth Low, president of Columbia College. Joseph White Sprague, a son of Joseph E., was a graduate of Harvard in 1852, being a classmate of Joseph H. Choate, of New York, and the late Darwin E. Ware, of the Boston bar. Mr. Stearns's father was a merchant in Salem. His mother, Marianne Theresa Saint Agnan, was born in Trinidad, one of the West India Islands, and being orphaned at an early age came to New England for her education, which was obtained under Judge Rogers of Exeter, N. H., and at private schools in Salem and Newburyport. In 1821 she married Richard Sprague Stearns and became the

mother of the subject of this sketch. Her father, Michael Saint Agnan, was born in France, where the name Saint Agnan has been borne by several noble families of distinction and influence. Her mother, Marianne Theodora Gellineau, was the daughter of Charles Anthony Gellineau, who removed from France to Port of Spain in Trinidad, and whose wife was Lucie Poincette, a native of Castile, Spain. His maternal aunt, Lucette Gellineau, was the friend and roommate of the Empress Josephine at the Martinique Convent.

Mr. Stearns was educated at the Salem Latin School, at Dummer Academy, and at Harvard College, graduating from the latter with honors in 1841. Inheriting from his paternal ancestors the sturdy characteristics of New England life for many generations, and from his mother's side the noble blood and brilliant intellectuality of ancient French and Spanish families, he found himself equipped at an early age with those mental and physical attributes which enabled him to lead his associates and lay the foundation of an honorable career. His student days were marked with numerous successes. He stood well among such college classmates as the late Henry Fowle Durant, Charles Coffin Harris, Thomas Wentworth Higginson, Francis E. Parker, John S. Keyes, Samuel F. McCleary, and Francis Minot. He read law in Worcester, Mass., in the office of Gov. Emory Washburn, in Andover with Nathan Hazen, and at the Dane Law School of Harvard College in Cambridge, and was admitted to the Essex county bar at Ipswich in 1846. During the next two years he was engaged in active practice in Princeton, Ill. He returned to Massachusetts in 1848 and opened an office in South Reading, but a year later removed to Malden, and shortly afterward to Charlestown, where he remained until the annexation of Charlestown to Boston in 1874, having also an office in Boston a part of the time. During the last three years of the corporate existence of Charlestown he served that municipality as city solicitor with great credit and ability, and upon him developed much of the legal work necessary in consummating the annexation.

He was associated in practice with John Quincy Adams Griffin for a number of years prior to the latter's death in 1866. In 1868 he formed a copartnership with John Haskell Butler, under the firm name of Stearns & Butler, which continued until January, 1892. At that time Mr. Stearns retired from active professional business and has since devoted himself to private affairs and to his large real estate interests, the development of which commenced many years ago, and which has greatly increased in value and importance under his able management. Mr. Stearns early acquired a prominent position at the bar and during the latter part of his career was one of the recognized leaders. From 1874 to 1892 he practiced in Boston, and in the Massachusetts Reports from 1850 to 1892 will be found many important cases with which he was connected. He achieved special distinction as a jury advocate, and in a large number of jury trials displayed marked ability, excellent judgment, and consummate skill. He was admitted to the United States Circuit and District Courts in 1868, and subsequently had some important patent cases in those tribunals, and as special counsel for the Fitchburg Railroad for Middlesex county for about twelve years he tried many damage and other cases. His cousin, the late William B. Stearns, was superintendent and afterward president of that company. Mr. Stearns was successful at the bar, gaining a reputation for ability, skill, and industry which placed him among the foremost lawyers in Suffolk county. He has resisted the allurements of public or political office, and devoted himself with untiring perseverance to his professional work and latterly to the development of his real estate, having his office in Boston. He has been a member of the Boston Bar Association since its establishment in 1876, and resides in Salem, where he was born, in the house built by his grandfather, Joseph Sprague, in 1750.

Mr. Stearns was married May 10, 1849, in

Malden, Mass., to H. Emily, daughter of Elias Bean, a prominent Boston merchant. They have two sons: William Harris Stearns, who was admitted to the Suffolk bar in January, 1885, and is now practicing in Denver, Col., and Richard Sprague Stearns, a member of the Suffolk bar, but not now engaged in active practice.

FREEMAN HUNT, Cambridge and Boston, only son of Freeman and Elizabeth (Parmenter) Hunt, was born in Brooklyn, N. Y., on the 4th of September, 1855. He is descended from Enoch Hunt, who came to America from Berks county, England, and died in Weymouth, Mass., about 1652. Freeman Hunt, sr., son of Nathan and Mary (Turner) Hunt, was born in Quincy, Mass., March 21, 1804, and as a lad acquired his education in the common schools. When twelve years old he entered the office of the Boston Evening Gazette, and after serving his apprenticeship accepted a position as compositor on the Boston Traveller, for which he began writing anonymous articles. In 1828 he formed a partnership with John Putnam, having previously issued in September, 1826, the first number of the Juvenile Miscellany, edited by Lydia Maria Child. He subsequently published the Ladies' Magazine in Boston, the Traveller in New York, the American Magazine of Useful and Entertaining Knowledge, "A Comprehensive Atlas," and the Merchants Magazine, with which his name was long prominently associated, and which gained for him a national reputation. He received the degree of M. A. from Harvard College in 1852, and died in Brooklyn, N. Y., March 2, 1858. He married, first, May 6, 1829, Lucia Weld Blake, of Boston; second, January 2, 1831, Laura Phinney, of Boston; and third, in 1853, Elizabeth Thompson Parmenter, daughter of Hon. William Parmenter and Mary Parker, of East Cambridge, Mass., and sister of Hon. William E. Parmenter, chief justice of the Municipal Court of Boston since January, 1883. Her father was a son of Ezra Parmenter, and served for four years as member of congress. Mr. Hunt, at his death, left four daughters and one son, the latter, named for him, being the subject of this article.

His father having died in 1858, his mother removed with her family to her father's home in East Cambridge, Mass., where Freeman Hunt was reared and educated. After attending the Cambridge public schools he entered



FREEMAN HUNT.

Harvard College, from which he was graduated in 1877, having as his classmates Hollis R. Bailey, the late Sigourney Butler, Morris Gray, John Lowell, Robert S. Minot, and Gov. William E. Russell, all of the Boston bar. He was graduated from the Harvard Law School with the degree of LL.B. in 1881, continued his legal studies in Boston with the late Hon. George S. Hale and Judge William E. Parmenter, and was admitted to the Suffolk bar in January, 1882. Since then he has been engaged in the active and successful practice of his profession in Boston, first as a partner of H. Eugene Bolles, later in association with William C. Tarbell until the latter's death December 6, 1886, and since then asso-

ciated with Hon. Charles J. McIntire, judge of the Probate Court for Middlesex county.

Mr. Hunt has appeared as counsel in numerous important cases, one of the most noteworthy being that of the city of Cambridge vs. The Railroad Commissioners in writ of certiorari, where the commission attempted to enforce upon the city an overhead crossing at Massachusetts avenue (then Front street). He also acted for that city in matters connected with the new Harvard bridge. He was counsel in the famous Iron Hall litigation, in which he drafted the bill in equity that wound up the order; in the case of John F. O'Brien vs. The Mayor and Aldermen of Cambridge, which attracted wide attention; and in the case of the Boston & Albany Railroad vs. The City of Cambridge, in which he raised the point that the making a railroad pay for cattle-guards, gates, and other additional safeguards when a new crossing was laid over the railroad was not such damage as the railroad could recover against the city or town laying the new crossing, as it was not a taking by eminent domain, and the point was sustained. In these as well as in other important cases Mr. Hunt has achieved a leading reputation, and is recognized as one of the ablest members of the Boston bar. He is a strong lawyer and advocate, a man of broad and accurate learning, and possesses a ready grasp of the most difficult points. His practice has been a general civil one, and in its management he has achieved eminent success, recognized prominence, and a wide reputation. Of late years he has conducted a large office business in the line of forming corporations, and in other commercial matters, and therefore he has not appeared so often in court. He is a member of the bar of the United States Circuit and District Courts, and has practiced extensively in those tribunals as well as in the courts of the Commonwealth.

In politics Mr. Hunt is a Democrat. He was a member of the School Committee of Cambridge from 1883 to 1887, a member of the Cambridge Council in 1888, and a member of the Massachusetts Senate in 1890, holding the seat that his uncle, Dr. Ezra Parmenter, and his grandfather, Hon. William Parmenter, had held before him. In the Senate he served on the committees on the judiciary, elections and contested election cases, and as chairman of the committee on bills in the third reading, and was principally instrumental in getting the Harvard bridge bill through the Legislature.

He is the New England counsel for the New Jersey rubber companies, a position which involved immense labor and great legal ability. He is also counsel for the eastern stockholders of the Brooklyn Traction Company. He is a member of St. Omer Lodge, Knights of Pythias, of the Boston Bar Association, and of various other societies, clubs, etc. He is also a Royal Arch Mason. In every capacity, and especially in the law and in public office, he has displayed ability and sagacity of a high order, and as a lawyer and citizen he is public spirited, progressive, and patriotic, and universally esteemed and respected.

Mr. Hunt was married June 8, 1887, to Abbie, daughter of Sumner J. and Jane (Bullard) Brooks, of Cambridge, Mass., where he resides. They have two children: Edith Brooks Hunt and William Parmenter Hunt.

WILLIAM HENRY HARRISON EMMONS, Boston, judge of the East Boston District Court since 1886, is the son of James B. and Jane Maria (Dyer) Emmons, and was born in Cleveland, Ohio, August 29, 1841. At the age of ten he moved with his parents to Lockport, Niagara county, N. Y., where, in the Lockport Union School, he prepared to enter Williams College in Massachusetts. The war, however, aroused his patriotism and caused him to change his plans. On the 29th of August, 1861, he enlisted as a private in Co. D, 7th N. Y. Cavalry, with which he served about one year. In 1862 he re-enlisted in Battery A, 1st N. Y. Light Artillery, and after

serving under McClellan in the Peninsula campaign was commissioned second and later first lieutenant and afterward adjutant of the 130th N. Y. Infantry, which became the 1st N. Y. Cavalry Dragoons. He remained with that regiment in the Army of the Potomac, going with Sheridan into the Shenandoah Valley, and subsequently was commissioned by President Lincoln as assistant adjutant-general with rank of captain. He was with



WILLIAM H. H. EMMONS.

the cavalry reserve brigade commanded by General Wesley Merritt until September, 1864, when he was wounded in a skirmish near Front Royal by a bullet in his right thigh, and after lying in the hospital at Baltimore for three months was detached and assigned to duty at Memphis, Tenn., and Vicksburg and Jackson, Miss., under Major-Gen. N. J. T. Dana. At the close of the war, in August, 1865, having been in active service for four years, he resigned with an honorable record and returned north, and at once entered the Harvard Law School. In September, 1866, he returned to Memphis on some military business, and there continued his legal studies until May, 1867, when he came to Boston, where he was engaged in merchandising for several years.

Judge Emmons was admitted to the Suffolk bar April 24, 1875, and immediately began active practice in Boston. On January 28, 1878, he became a member of the bar of the United States Circuit Court. About the same time he formed a copartnership with J. Brown Lord, which continued under the firm name of Lord & Emmons until May, 1883. With the exception of this period he has practiced alone. On the 24th of February, 1886, he was appointed justice of the East Boston District Court, which office he still holds. He was a member of the Boston Common Council in 1884 and 1885, and is a member of the East Boston Citizens Trade Association, of Post 23, G. A. R., of the Knights of Honor, of the Royal Arcanum, of the Ancient Order of United Workmen, and of the Harvard Law School Association, and an honorary member of the Bar Association of the city of Boston. He resides in East Boston and has a summer home at North Wilmington, Mass.

At the bar and on the bench Judge Emmons has displayed from the first an ability and skill which, combined with sound judgment, industry, and integrity, have won for him a recognized leadership. He is a man of broad and accurate learning, of high legal and judicial attainments, and of keen discrimination and quick perception. In the conduct of a large and successful general law practice he has achieved a high reputation, while in the capacity of judge he has served, for thirteen years, with honor to himself and satisfaction to the community. He is a public spirited, patriotic, and progressive citizen, deeply interested in every important enterprise, and a liberal supporter of those movements which appeal to his judgment and convictions.

Judge Emmons was married September 18, 1866, to Sarah Tilton Butler, daughter of Benjamin F. and Mary Jane (Tilton) Butler, of Boston. They have four children living: Harry Butler, Grace, Jennie, and Paul Dyer Emmons. Harry Butler Emmons, the eldest,

was born July 29, 1867, read law with his father, and was admitted to the Suffolk bar July 23, 1889. He is engaged in active practice in Boston, where he resides.

LOUIS CARVER SOUTHARD, Boston, is the son of William L. and Lydia C. (Dennis) Southard, and a lineal descendant of John Southworth, of Plymouth colony fame. The name Southworth was pronounced Southard for some unknown reason, and the branch of the family that migrated to Maine, to which the subject of this sketch belongs, changed the spelling to correspond. His great-grandfather, Capt. John Southard, or Southworth, was a Revolutionary soldier, was captured and imprisoned at Halifax, N. S., and from there he walked home. On his way he was attracted by the location of a certain tract of land in Boothbay, and after his discharge he purchased 160 acres of land on Back River in that town, and embarked in the building of ships. Later he sailed one of his own ships in the West India trade, after which he resumed his ship building and farming. He married Sarah Lewis. He was a person of consideration in his town, holding among other offices that of parish clerk.

One of his sons, John Southard, born October 27, 1791, was given a farm in Richmond, Me., bordering on the Kennebec River a distance of one-half mile. Here he established a shipyard, and many fishing, coasting and other vessels were launched by him. His younger brother, Thomas J. Southard (great-uncle of the subject of this sketch), succeeded to this business, and the Southard shipyards at Richmond were among the most enterprising, productive and best known of the New England shipyards.

John Southard (grandfather) married Elizabeth Cathland, March 18, 1814. His son, William L. Southard, was born at Richmond, Me., July 2, 1820. William L. embarked in business and made rapid progress. He removed to Portland, Me., and at the time of his retirement in 1867 had the largest wholesale flour business in that city. He was an alderman of Portland during the war of the Rebellion, and a man of great influence and respectability. He married Lydia Carver Dennis, born June 1, 1819, the daughter of Capt. John Dennis, of Taunton, Mass., and later of Gardiner, Me., and a lineal descendant of the brother of Gov. John Carver of the Plymouth Colony. The governor adopted and brought up his brother's children, he never having any of his own.

On her father's side she descended from Abraham Dennis, a member of an old and aristocratic family of England, who settled in Newport, R. I., and who married Sarah Kirby. Of their several children, Ezekiel Dennis was killed off the coast of Maine in the first naval engagement of the Revolutionary war in 1776. His son, John Dennis, a sea captain in the service of the East India Company, was married in Newport to Elizabeth Dean, and they were the parents of Mrs. Lydia Carver (Dennis) Southard.

Louis C. Southard was born in Portland, Cumberland county, Me., April 1, 1854, and received his preparatory education in the common schools of his native city and in the Dorchester High School in Boston, Mass., from which he was graduated in 1872. The same year he entered the sophomore class of Maine State College, now the University of Maine, and was graduated therefrom in 1875. He read law in Portland with Hon. William W. Thomas, jr. (now United States minister to Norway and Sweden), Judge Thomas Haskell of the Supreme Court of Maine, and Clarence Hale, and in Boston at the Boston University Law School, and was admitted to the Maine bar in Portland October 11, 1877. Removing immediately afterward to Massachusetts he was admitted to the Bristol county bar November 23 of that year, and has since resided in North Easton and Boston. He was admitted to the bar of the United States Circuit and District Courts October 15, 1887, to practice

before the Department of the Interior at Washington January 28, 1888, and to the bar of the United States Supreme Court May 13, 1889.

Mr. Southard has been successfully engaged in the general practice of his profession in Boston since the autumn of 1877, devoting his attention of late years exclusively to the civil branches. He has been counsel in many important cases, including the Robert Treat Paine will case, Sarah A. Preble vs. Bates & Walley, and others of equal note, and during a professional career of twenty-two years has achieved distinction as an able, industrious, and talented lawyer and advocate. He is a man of scholarly attainments, of sound judgment, of great energy and integrity, and of broad and accurate learning, and both in court and chamber practice has displayed those legal qualifications which have won for him an excellent standing at the bars of Suffolk and Bristol.

In politics he has always been an ardent Republican, and for many years he has exerted much influence in the councils of his party. The esteem in which he is held in North Easton, where he resides, was shown in 1884, when he was nominated as the Republican candidate for representative to the General Court. He declined this nomination, however, but in 1886, at the earnest request of his fellow townsmen, he accepted another similar honor and was elected from the district comprising the towns of Easton, Mansfield and Raynham. During the legislative session of 1887 he served with success and credit on the House committee on the judiciary. In 1895 and 1896 he represented the First Bristol district in the Massachusetts Senate, where he made an honorable record, serving the first year as chairman of the committee on bills in the third reading and as a member of the Senate and joint judiciary committees and of the committee on manufactures, and during the second year as chairman of the last named committee and as a member of the committees on probate and insolvency and the judiciary. As State senator he introduced a resolve maintaining the Monroe Doctrine on the part of Massachusetts, which attracted wide attention. Mr. Southard was for five years a member of the Republican State Committee, secretary of the Bristol County Republican Committee, a member of the committee appointed to represent the Commonwealth at the United States Centennial Constitutional Convention at Philadelphia in 1887, and an alternate delegate at large from Massachusetts to the Republican



LOUIS C. SOUTHARD.

National Convention at St. Louis in 1896. In 1887 he was also a delegate to the National Convention of the Republican League in New York city. He assisted in organizing the Republican Club of Easton, and for several years was unanimously chosen its president. He was also for many years and until his resignation in 1898 a member of the Republican Town Committee of Easton.

Mr. Southard is a member and for two years was worshipful master of Paul Dean Lodge, F. & A. M., of North Easton, and is also a member of Satucket Chapter, R. A. M., and of Bay State Commandery, K. T., of Brockton, and of Massachusetts Consistory, thirty-second degree, of Boston. He is president of the American Invalid Aid Society, and in 1898 he

was appointed one of the lecturers at the newly organized law school of the University of Maine at Bangor. He received the degree of M. S. from that university, and for several years has been a leading member of the University of Maine Alumni Association of Boston, of which association he has recently been elected president for the seventh time. In 1885 he was elected a member of the Boston Bar Association. He is also a member of the following clubs: University Club, Boston, Middlesex Club, Old Dorchester Club, and the Pine Tree Club. From 1877 to 1880 he was editor of the Easton Journal and since then he has been a frequent contributor to the press. In religion he is a Unitarian. He married Nellie, daughter of Joseph and Lucy A. Copeland, of Easton, Mass., and has three children.

ISAAC HOMER SWEETSER, Boston, is the son of Isaac and Elizabeth Seaver (Soule) Sweetser. His earliest paternal ancestor of the same name, in Massachusetts, was Seth Sweetser, one of the original settlers of Charlestown in 1638; and his mother's line runs back to George Soule, one of the Pilgrims, who located in Duxbury. His father, Isaac, was for thirty-five years prior to his death the president of the Washington Insurance Company of Boston.

Mr. Sweetser was born in Charlestown on the 3d of September, 1846. He received his preparatory education in the Charlestown public schools, and after graduating in 1864 from the Charlestown high school, entered Harvard College, from which he was graduated in 1868. On leaving college he entered the Harvard Law School from which he was graduated with the degree of LL.B. in June, 1870. He continued his legal studies in Boston with the firm of Dehon, Bryant & Goodwin, which consisted of William Dehon, John D. Bryant and Frank Goodwin, and was admitted to the Suffolk bar September 19, 1871, and to the bar of the United States Circuit and District Courts October 27, 1871. He was associated in practice with his instructors until June, 1876, when, Mr. Dehon and Mr. Goodwin having withdrawn, he formed a copartnership with Mr. Bryant, which continued under the style of J. D. Bryant and I. H. Sweetser until January 1, 1890. He then retired from active professional work and has since devoted himself to private matters, sharing offices, however, with his former



I. HOMER SWEETSER.

instructor and partner, Mr. Bryant, at 53 State street, Boston.

In politics he is a Republican. He was appointed a justice of the peace soon after his admission to the bar and still holds that office, and is a member of the University Club and of the Boston Bar Association, being elected to the latter body upon its establishment in 1876. He visited Europe in 1896, resides in Boston, and is unmarried.

FELIX RACKEMANN, Boston, son of Frederick William and Elizabeth D. (Sedgwick) Rackemann, was born in Lenox, Mass., June 17, 1861. His father was a native of Bremen, Germany, and came to America at

the age of thirteen. On his mother's side he is descended from Timothy Dwight, of Dedham, Mass., and from Major Sedgwick, who served in Cromwell's army and afterward came to New England. His great-grandfather, Theodore Sedgwick, son of Benjamin, was born in Hartford, Conn., in May, 1746, and was graduated from Yale in 1765. Admitted to the bar in April, 1766, he practiced in Great Barrington and Sheffield, Mass., and



FELIX RACKEMANN.

in the Revolution served on the staff of Gen. John Thomas in the expedition to Canada. He represented Sheffield in the General Court, was a delegate to the Continental Congress, served as member of congress from 1788 to 1797, was speaker of the House of Representatives in 1788–89, and United States senator from 1796 to 1799. In 1802 he was appointed an associate justice of the Supreme Judicial Court of Massachusetts and served in that capacity until his death, in Boston, June 24, 1813. His son, Charles Sedgwick, father of Mrs. Elizabeth D. (Sedgwick) Rackemann, was admitted to the Suffolk bar March 25, 1821, and for thirty years served as clerk of the courts in Berkshire county, Mass.

Mr. Rackemann inherited the sturdy characteristics of this German and English-American ancestry, and besides developed in early life an industry and perseverance which have served him well in his professional career. He received his preparatory education in the public and private schools of Lenox, at the Adams Academy in Quincy, Mass., and under a private tutor, and entering Cornell University at Ithaca, N. Y., was graduated therefrom in 1882. He was secretary of his class, received honorary mention for a thesis at commencement, and held membership in the Delta Upsilon fraternity. On leaving college he came to Boston, Mass., and took up the study of law in the office of the late Francis V. Balch, and afterward entered the Harvard Law School. He completed his legal studies, however, with Edward S. Isham and Hon. Robert T. Lincoln, of Chicago, the latter being at that time secretary of war, and he was admitted to the Cook county bar in Illinois in May, 1885. He remained with Isham & Lincoln until the following autumn, when he returned to Boston, where he has since been engaged in active practice, being admitted to the Suffolk bar in January, 1886. Mr. Rackemann was associated with his elder brother, Charles Sedgwick Rackemann, until the fall of 1886, when both of them became partners of Francis V. Balch under the style of Balch & Rackemann. This firm continued until Mr. Balch's death on February 4, 1898. In April of the same year Judge James Robert Dunbar, having resigned his seat on the bench of the Massachusetts Superior Court, assumed a partnership interest, the name of the firm becoming Dunbar & Rackemann. Charles S. Rackemann, the second partner, was born June 21, 1857, read law with Mr. Balch and at the Harvard and Boston University Law Schools, and was called to the Suffolk bar in June, 1881.

The old firm of Balch & Rackemann as well as the present firm of Dunbar & Rackemann was engaged largely in the practice of probate, real estate, and trust law, and gained a high reputation and an extensive business. Felix Rackemann, the junior partner, has devoted

himself during the last eight years to the legal affairs of trust companies and other corporations, and by the exercise of acknowledged native ability and constant industry has achieved a prominent place among the younger members of the Boston bar, being recognized as a sagacious counselor, a well-read lawyer, and a man of integrity and honor. He has resided in Milton, Mass., since 1886, and for four years was chairman of the School Committee of that town. He has written occasional articles for the press, and notably one for the American Bankers' Association in 1898 on the "Duties and Responsibilities of Trust Companies acting as Transfer Agents and Registrars." In 1888 he was elected a member of the Boston Bar Association.

Mr. Rackemann was married in May, 1886, to Julia, daughter of Dr. Francis Minot, a well-known physician of Boston. They have two children living: Francis Minot and Sarah Parkman.

GEORGE WASHINGTON MORSE, Boston, was born in Lodi, Athens county, Ohio, August 24, 1845, and is the son of Captain Peter and Mary E. (Randall) Morse, who emigrated from New Hampshire to the Ohio Valley in 1833. On his father's side he is descended from Anthony Morse, who came from Marlborough, England, to Newbury Old Town, Mass., about 1635—the site of the original Morse mansion, adjacent to the farm of Michael Little, being still called "Morse's Field."

Rev. Jedediah Morse, the noted geographer, and his distinguished son, Prof. Samuel F. B. Morse, the inventor of the electric telegraph, are also descendants of Anthony Morse.

Mary E. Randall, the wife of Capt. Peter Morse, was born in Dorchester, Mass. Her mother, Sarah Page, was descended from Nathaniel Page, who settled in Bedford, Mass., in 1638, and whose original residence, known as the "Old Page Place," is still owned by the family. She was a direct descendant of Col. John Lane of Bedford, the first colonel of the Colony commissioned by the Crown. The Pages and Lanes frequently intermarried through the generations and the soldiers' graves of the two families, of Colonial and Revolutionary fame, constitute three-fourths of those in the old cemetery at Bedford. Ensign Nathaniel Page carried the colors of the Bedford Company at Lexington and Concord on the 19th of April, 1775, and the flag which he bore was a family banner which had been brought from England and is now among the archives of Bedford.

Like the Pages and Lanes, the Morses were well represented in both Colonial and Continental armies and members participated in most of the important campaigns and battles.

George W. Morse spent his youth in Ohio. From Lodi to Pomeroy on the Ohio, was a distance of seventeen miles. The mails were carried to and fro on horseback twice each week and it was the habit of young Morse, at nine years of age, when his father was postmaster, to start at three o'clock in the morning, make the round trip, and attend school at nine o'clock after riding thirty-four miles in the saddle.

In 1855 at the age of ten he was placed under the charge of President Finney at the preparatory school of Oberlin College, but a year later came to Massachusetts with his parents and continued his studies in the schools of Haverhill and Andover. He subsequently entered Chester Academy in New Hampshire, but May 11, 1861, he enlisted in the historic Second Massachusetts Regiment of Infantry for a term of three years. At the end of that period he re-enlisted in the field for the war, and served continuously in this regiment until July, 1865. The people on the Ohio were, like all the border men, very decided for the side they espoused.

The Second Regiment was the first three years' regiment in the field from Massachusetts and one of the two especially commemorated in the New Boston Public Library building by the lions on the staircase. Of its original one

thousand men who left the Commonwealth in 1861, Mr. Morse was one of less than one hundred and fifty who returned with it in 1865. The regiment received seventeen hundred recruits during the war, making in all twenty-seven hundred men on its rolls, and of this number only about four hundred returned at the close of hostilities. In the Shenandoah campaign of 1862 it covered the celebrated re-



GEORGE W. MORSE.

treat of the army of General Banks, and those of the rear guard in the skirmish line who survived were captured, including Mr. Morse. He was confined four months at Belle Isle and in other rebel prisons, and on being exchanged returned immediately to service, and with the exception of this absence while prisoner, he was in every campaign and battle participated in by this celebrated regiment during the war. He was the only original member of Company H who ever received a commission, although the youngest in the regiment by two years, and at the close of the war, when only nineteen years old, was first lieutenant commanding Company I. This company, commanded at first by Adin Ballou Underwood, afterward General Underwood, won special distinction. Participating in all the important campaigns of the Army of the Potomac until September, 1863, the regiment lost a third of its men and more than half of its officers at Cedar Mountain, suffered severely at Antietam and Chancellorsville, and lost half of its members in less than ten minutes contest at Gettysburg in carrying the Confederate works at the base of Culp's Hill, on the right near Spangler's Spring, over which the regiment charged. The officers of the Second Regiment erected the first regimental monument on the battlefield of Gettysburg, on a boulder remembered and subsequently suggested for this use by Mr. Morse.

In September, 1863, the organization was sent south to join General Hooker, participated in the battle of Lookout Mountain, and was the first to enter the city of Atlanta and act as the provost guard during the occupation. It had charge of the destruction of the public buildings there, and was the last to leave on the "March to the Sea." Mr. Morse was with it in this historic campaign, in the siege and capture of Savannah, and in the Carolina campaign which followed.

On being mustered out of service in July, 1865, Mr. Morse resumed his studies, first at Phillips Academy, Andover, Mass., and later attended Dartmouth College, which he entered in the fall of 1866 in the sophomore year.

Omitting the senior year at college, he took up the study of law in the office of Charles G. Stevens, Clinton, Mass. Afterward he entered the office of Chandler, Shattuck & Thayer in Boston and was admitted to the Suffolk bar in June, 1869. Later, Dartmouth College conferred upon him the degrees of Bachelor of Science and Master of Arts.

Mr. Morse began the active practice of his profession in Boston in 1869, taking the office of George Bemis (celebrated in the Webster-Parkman case) and also opened an office in Ashland, Mass., where he was then living. In the latter place he established a weekly paper, called the Ashland Advertiser, which was a decided success. This he sold at the end of a year, as his professional practice required all his time.

During the first few years the most remunerative part of his practice was in connection with bankruptcy cases. He took up the Boston, Hartford and Erie litigation; later was counsel for N. C. Munson, the railroad contractor, whose failure involved millions of dollar; and subsequently had charge of the affairs of F. Shaw & Brothers, which, in connection with the affairs of other houses that followed them into bankruptcy, involved ten million dollars—in all of which failures Mr. Morse was of counsel. His health being impaired by reason of the immense labors attending these matters, he went abroad with his entire family and spent his time for two or three years in travel in educating his children. He also attended lectures at the School of Law in Paris for a year.

Mr. Morse has been a frequent and extensive traveler both in this country and in most of the old ones. For many years Mr. Morse has been the senior member of the law firm of Morse & Lane. He entirely recovered his health in 1889, and resumed practice and has since been largely engaged in corporation work. He organized, among other enterprises, the several street railways now operating in Newton, Waltham, and Watertown, and also roads in process of construction from those cities to Lowell, including the historic towns of Bedford, Concord, Lexington and Arlington. He has also been for many years one of the special counsel for the Thomson-Houston Electric Company, a position which has brought him into contact with electric railway matters throughout the country and especially in the South, and, as such counsel, had the entire charge of foreclosing and reorganizing the railway systems of several of the Southern cities.

In politics he is a Republican, and in 1881 and 1882 he represented Newton in the lower house of the Massachusetts Legislature.

He is a charter member of Charles Ward Post, G. A. R., of Newton, a member of the Massachusetts Commandery of the Loyal Legion, a thirty-second degree Mason, and a member of the Newton Club, Algonquin Club, Boston Art Club, and the Boston Athletic Association. He has been a member of the Boston Bar Association since its establishment in 1876.

As a lawyer Mr. Morse has achieved an excellent reputation. He is a man of broad culture and intellectual ability, of great strength of character and of unquestioned integrity, and is trustee of many important estates, both in New York and Boston.

He has organized many of the leading enterprises in Newton during the last ten years, and in every capacity has displayed the highest principles of a citizen whose public spirit, patriotism and generosity are his ruling characteristics.

Mr. Morse was married October 20, 1870, to Miss Clara R. Boit, of Newton Lower Falls, Mass., and they have six children: Harriet C., Gertrude E., Rosalind, Henry B., Samuel F. B., and Genevieve. Both Mrs. Morse and one of her older daughters have won a reputation as amateur artists.

JOHN CHAPIN LANE, Boston, sprang from some of the oldest Puritan stock in America, his first ancestor, Job Lane, coming to New England before 1643. On his paternal grandmother's side he was descended from Nathaniel Page, who came over about 1685. The Lanes and Pages settled in Bedford, Mass., and the families frequently intermarried through the generations. The soldiers' graves of the Lanes and Pages of Colonial and Revolutionary fame constitute three-fourths of those in the old cemetery at Bedford, and nearly all were officers—Col. John Lane being the first Colonial officer commissioned by the Crown in the Colony of Massachusetts Bay. Mr. Lane's great-grandfather, Nathaniel Page, of Bedford, was the standard-bearer of the Bedford company at Lexington and Concord on the 19th of April, 1775, and the flag he bore was a family banner which had been brought from England and

which is now among the archives of Bedford. Mr. Lane was the eldest of five sons of the late Hon. Jonathan Abbot Lane and Sarah Delia Clarke, a grandson of Jonathan and Ruhamah (Page) Lane, and a descendant in the eighth generation of Job Lane, previously mentioned. His grandfather, Jonathan Lane, was a farmer and wholesale fish merchant, and moved from Bedford to Boston in 1824, bringing with him his son, Jonathan A., who was born in Bedford on the 15th of May, 1822. Jonathan Abbot Lane was graduated from the Boylston Grammar School in Boston at the age of twelve and from the Boston English High School in 1837. He then entered the dry goods jobbing house of Calvin Washburn & Co., gained control of the business in 1849, and from 1854 to 1894 conducted it under the firm name of Allen, Lane & Co. He was married November 13, 1851, to Sarah Delia Clarke, the second child of Rev. Benjamin F. Clarke and a graduate of Mount Holyoke Seminary in 1845. She survives him. They had six children: a daughter, who died in infancy, and five sons, John C., Frederic H., Alfred C., Benjamin C., and Lucius P., all of whom are living except John C.

John C. Lane was born in Boston, Mass., November 8, 1852, and inherited, through a long line of patriotic ancestors, a tendency to disinterested and self-sacrificing public service. He was graduated from the Boston Latin School with high honors, being a Franklin medal scholar, and in 1871 entered Harvard College, from which he was graduated in the class of 1875, with membership in the Phi Beta Kappa. Among his college classmates were Grenville H. Norcross, Alpheus B. Alger, Reginald Gray, Francis R. and John H. Appleton, Henry H. Buck, Lester W. Clark, Simon G. Crosswell, Abbott Lawrence, Hollis and Albert S. Thayer, Samuel D. Warren, and others who became prominent members of the bar and distinguished in the various walks of life.

Mr. Lane read law in the offices of Lyman Mason and George W. Morse of Boston, and at the Boston University Law School, from which he was graduated with the degree of LL.B. He was admitted to the Suffolk bar in 1878, and the same year became a member of the law firm of Morse, Loomis & Lane, consisting of George W. Morse, Elihu G. Loomis and John C. Lane, which subsequently was changed to Morse & Lane. This last connection continued for many years and until Mr. Lane's death, at Norwood, Mass., on the 20th of November, 1898. During his law practice, with



JOHN C. LANE.

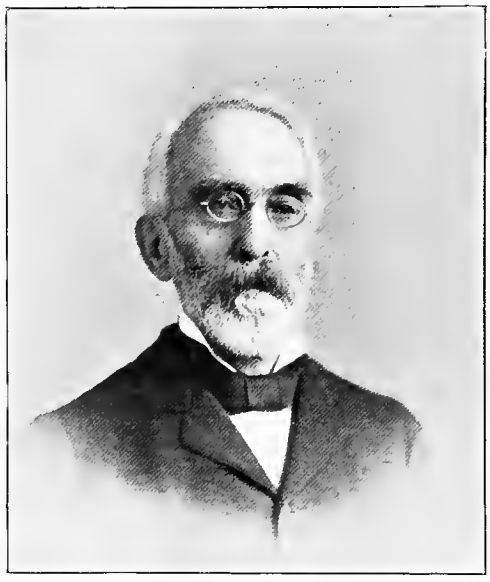
these associates, Mr. Lane was engaged in much important work. He was prominently connected with the numerous railway litigations of N. C. Munson and, later, of the Boston, Hartford and Erie, the Toledo, Cincinnati and St. Louis, and the San Pedro litigations; with the Shaw leather failures of 1883 and other great failures in consequence thereof; with the foreclosure and reorganization of the railway systems of the principal cities of Georgia and Tennessee, and as special counsel for the electrical companies constructing the same; with the organization of the railways in Newton, Waltham, and Watertown, Mass.; and with many other important enterprises in Massachusetts, in the South, and elsewhere. As a counselor and strictly commercial lawyer he

stood high. He enjoyed universal respect and the entire confidence of the community, and held numerous legal trusts aggregating many millions of dollars.

He was widely and prominently known in politics, first as a Republican, and after 1884 as a Democrat, but never sought office. He took upon himself, as his father so frequently did, a large amount of work of public character, purely for the public good. It may be truly said of him that he unselfishly sought to do all the good that he could to his fellow-men, both in public and private life, and did so disinterestedly. After the nomination of Grover Cleveland in 1884 he continued to serve actively in the Democratic ranks and was the manager of the campaign of the Gold Democrats in Massachusetts in 1896, having been a delegate to the Indianapolis convention which nominated Palmer and Buckner for the presidency. He was also prominent in church circles, having been for years a member of the Union Congregational church in Boston, that pulpit being now (1898–99) occupied by his most intimate friend and cousin, Rev. Samuel Lane Loomis. Having removed, soon after beginning his law practice, to Norwood, Mass., he also joined the Congregational church there. He was a local justice and attorney for that town, a trustee of the Norwood Public Library, president of Norwood Board of Trade, a member of the Odd Fellows, a Knight Templar and thirty-second degree Mason, and, at the time of his death, president of the Allen-Lane Company and of the Charles E. Lauriat Book Company of Boston. Being a Franklin medal scholar of the Boston Latin School he founded a similar award for graduates of the Norwood High School, and always took an active part in every movement which had the welfare and advancement of the community at heart. His spotless integrity, his inherent patriotism, his broad intellectual powers, his generous nature, his unceasing devotion to others, his domestic taste and gentle manner, all combined to make him a man of the highest and noblest character.

Mr. Lane was married September 11, 1883, to Harriet B., daughter of George S. Winslow, of Norwood, who survives him.

JAMES WINGATE ROLLINS, Boston, is the son of James and Sally (Wingate) Rollins, and was born in Somersworth, now Rollinsford, N. H., April 19, 1827. He is descended in the seventh generation from James Rollins, who came from England with the Ipswich (Mass.) settlers in 1632, and who removed a few years later to Dover, N. H. Ichabod Rollins, his great-grandfather, was a member of the New Hampshire Committee of Safety during the Revolutionary war, and was the first of the family to settle in Somersworth, the name of which town was subsequently changed



JAMES W. ROLLINS.

to Rollinsford in honor of him and of his efforts as one of its principal founders. From him descended Hon. Edward H. Rollins, United States senator, and the latter's son, Col. Frank W. Rollins, governor of New Hampshire; the late Hon. Edward Ashton Rollins, commissioner of internal revenue under Lincoln, and his brother the late Daniel G. Rollins, one

of the most prominent members of the New York bar, recently deceased; and the late Hon. Samuel W. Rollins, judge of probate for Belknap county, N. H. John Rollins, son of Ichabod, was a merchant in Somersworth, where his son, James Rollins, father of the subject of this article, was born on the memorable Fourth of July, 1776. The latter was a merchant in Somersworth (Rollinsford), and married Sally, daughter of Moses Wingate, a descendant of an old family of farmers of Dover, N. H., where her first American ancestor, John Wingate, settled in 1660.

James W. Rollins attended as a lad the common schools of his native town, Rollinsford, and when ten years of age entered the academy at South Berwick, Me., where he remained three years. In 1841, when only fourteen years old, he entered Dartmouth College, from which he was graduated with honors in 1845, having an oration at commencement and holding membership in the Phi Beta Kappa. Among his classmates were Edwin T. Rice and William W. Niles, of the New York bar; William C. Strong, of Newton, Mass.; B. D. Harris, of Brattleboro, Vt.; and the late George H. Bissell, the donor of Bissell Hall at Dartmouth. On leaving college Mr. Rollins took up the study of law in South Berwick with Hon. John Hubbard and Judge William Allen Hayes, and in January, 1850, he was admitted to the Maine bar in York county. Meanwhile, in 1847–48, he taught school in South Berwick and later was for one season principal of the academy at Rochester, N. H. In the spring of 1850 he came to Boston, Mass., and in May of the same year was admitted to the Suffolk bar. Since then he has been actively and successfully engaged in the general practice of his profession in Boston, first alone for one year, then associated with the late Francis B. Hayes (son of Judge William A. Hayes) from 1851 to 1855, then in partnership with his college classmate, the late William H. L. Smith, as Smith & Rollins, from 1855 to 1860, and subsequently alone.

In the general practice of law Mr. Rollins has had but one capital case; excepting this he has confined himself to a large and growing civil business. He was counsel for the Boston and Maine Railroad for a time, and also for the Massachusetts Central Railroad, of which he was one of the organizers and a director. Down to about 1880 he had an extensive practice in the courts of the Commonwealth and in the United States Circuit and District Courts, but an increasing deafness at that time compelled him to devote his energies to office work, and of late years he has made a specialty of real estate, probate, and similar matters. The many important cases with which he has been connected, together with his native ability and indomitable industry, have gained for him a leading place at the Boston bar, and during an active career of nearly fifty years he has maintained a deserved reputation and a recognized standing. He is one of the oldest and most respected lawyers of Suffolk county.

Mr. Rollins has always been a staunch Republican, but has never engaged in active political work, having attended strictly to his professional duties. He has resided in West Roxbury (now a part of the city of Boston) since 1857, and was a member and for two years chairman of the School Committee of that town, serving from 1868 to 1870. He was also for several years a member of its Board of Selectmen. When the town was annexed to the city in 1873 he acted as its counsel and took a prominent part in the annexation proceedings. He was for several years president of the old Boston, Halifax and Prince Edward Island Steamship Company, and has been president and a director of a number of manufacturing enterprises. His literary efforts outside of his law practice have consisted of contributions on various current topics to the newspapers.

Mr. Rollins was married November 22, 1855, to Mrs. Sophia Webb (Atwill) Hutchings, widow of James William Atwill of Boston, Mass., and a daughter of Solomon Hutchings. She died September 29, 1894. There are four

of their children living: Mary Harris Rollins; James Wingate Rollins, jr., a member of the civil engineering and construction firm of Holbrook, Cabot & Daly of Boston; Alice Sophia, wife of Edwin T. Brewster, a teacher in Phillips Andover Academy; and Edward A. Rollins, a manufacturer of Boston.

HALSEY JOSEPH BOARDMAN, Boston, son of Nathaniel and Sarah (Hunt) Boardman, was born in Norwich, Vt., May 19, 1834. He is descended in the eighth generation from Samuel Boreman, the Puritan, son of Christopher and Julian (Carter) Boreman, who was born in Banbury, Oxfordshire, England, in 1615, married Mary Betts, and came to this country as early as 1638. This original ancestor first settled in Ipswich, Mass., but in



HALSEY J. BOARDMAN.

1641 removed to Wethersfield, Conn., in which State the family resided for more than one hundred years. The line from him is (2) Isaac Boreman, born in 1642–3, who married Abiah Kimberly; (3) Samuel Bordman, of Wethersfield and Middletown, Conn., who married Mehitabel Cadwell; (4) Stephen Bordman, of Middletown, who married Abigail, daughter of Lieut. Nathaniel Savage; (5) Nathaniel Boardman, who married Esther Carver, and who served in the French and Indian wars of 1756–59, moved to Norwich, Vt., and was a captain in the war of the Revolution; (6) Dr. Nathaniel Boardman, born in Bolton, Conn., October 20, 1759, moved with his parents to Norwich about 1777, served in the Revolutionary war, and was married in 1790 at Bethel, Vt., to Philomela, daughter of Jabez Huntington, sheriff of Windham county, Vt., during the Revolution, and of Judith, his wife, daughter of Col. Jedediah Elderkin, an officer in the Revolutionary army; and (7) Nathaniel Boardman, born in Norwich, Vt., May 5, 1795, and died December 12, 1867. The latter was married March 10, 1825, to Sarah, daughter of Samuel and Mary Hunt and a sister of the mother of Hon. Justin S. Morrill, the veteran United States senator from Vermont. She was born June 2, 1798, in Norwich, and died November 5, 1870. Of their family the subject of this article was the fourth child and third son.

Halsey J. Boardman attended the public schools of his native town and was graduated from the Thetford (Vt.) Academy in 1854 as the valedictorian of his class. The same year he entered Dartmouth College, from which he was graduated with high honors in 1858, having as classmates Albert Palmer, former mayor of Boston; the late Gen. Samuel A. Duncan, United States commissioner of patents; and George W. Emery, governor of Utah. On leaving college he became principal of the high school in Leominster, Mass., and continued in that capacity for one year, meanwhile taking up the study of law privately. Afterward he pursued his legal studies in the office of Norcross & Snow, of Fitchburg, Mass., and still later with Philip H. Sears in Boston, and was admitted to the Suffolk bar March 15, 1860. Mr. Boardman at once began the active practice of his profession in Boston, forming a copartnership with Caleb Blodgett, which continued until Mr. Blodgett's appointment to the bench of the Massachusetts Superior Court in

1882. It is a noteworthy fact that he succeeded Mr. Blodgett in 1858 as principal of the Leominster High School. The firm of Boardman & Blodgett came to be a very strong one in legal circles and gained a leading place at the bar, although an affliction of the eyes finally caused the senior member to withdraw partially from active practice. After it was dissolved Mr. Boardman was associated at different times with Stephen H. Tyng and J. Frank Paul, but for several years he has been in business alone. Under the old bankruptcy law he had a large and successful clientage, much of which came from New York. He has also had many contract, accident, and damage cases. On one occasion he was counsel in an important habeas corpus case, which involved the constitutionality of a statute relating to the authority of a common council of a city to cause the imprisonment of a man. In the general civil practice of his profession he has achieved eminent success, and for many years he has occupied a leading place at the Boston bar.

Mr. Boardman has been repeatedly called to public office. Under appointment of President Lincoln he was commissioner of the Board of Enrollment for the Fourth Congressional district of Massachusetts from 1862 to 1864. In 1874 he was chairman of the Republican Ward and City Committee of Boston, and in 1875 he was a member and president of the Boston Common Council. In the latter year he was also the Republican candidate for mayor of Boston. He was a member of the lower house of the Massachusetts Legislature from 1883 to 1885 inclusive, serving on the railroad committee during the entire period and as House chairman of that committee during the last two years. In this capacity he was instrumental in securing a large amount of legislation which materially improved the railroad service in his Commonwealth. Among these measures were provisions for the change of railway crossings, for safety couplings on freight cars, regulations against discrimination in freight rates, and for improvement in signals and precautions enforced against color blindness—all of which involved exhaustive examination and sound judgment. His influence upon the railroad legislation of Massachusetts has probably been as great and as far reaching as that of any other individual. He was a member of the Massachusetts Senate in 1887 and 1888, and served as president of that body both years, achieving considerable distinction for his impartiality and sound rulings.

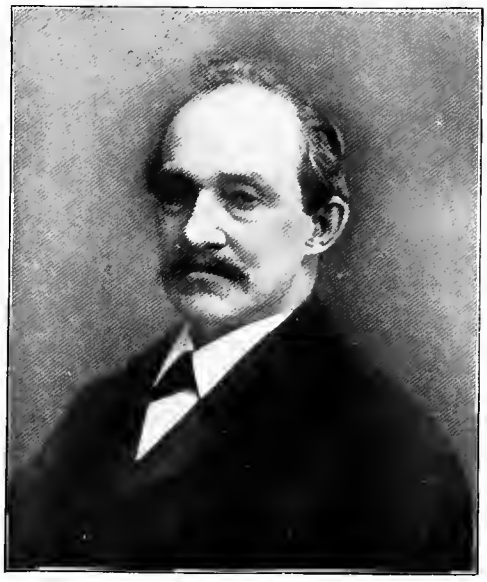
Notwithstanding a defective eyesight, which has handicapped him for several years, Mr. Boardman has achieved a high reputation in both professional matters and public office, and in every capacity has won the respect and confidence of the entire community. For several years he has been connected with various railroad and manufacturing interests. He is president of the Duluth and Winnipeg Railroad Company, of the Commercial Mining Company of Colorado, and of the Evans Coal Company, a large producer of anthracite coal in Pennsylvania. He is also a director of the Boston Marine Insurance Company and of several railroad corporations, and a member of the Psi Upsilon fraternity, to which he was elected while a student at Dartmouth College.

Mr. Boardman was married November 6, 1862, to Georgia M., daughter of George and Maria C. (Moseley) Hinman, the former a prominent Boston merchant. They have two daughters: Flora M. (wife of Rev. Thomas Jay Horner, of Quincy, Ill.), and Emily I.

SAMUEL WALLEY CREECH, Boston, is the son of Samuel Walley and Maria (Mason) Creech, and was born in Boston, Mass., November 7, 1839. His father, Samuel W., sr., and grandfather, Richard Creech, were both natives of Boston, the family originally coming there from England. His paternal grandmother, Susanna (Adams) Creech, was a cousin of Hon. John Quincy Adams, president of the United States in 1825–29. His mother, Maria

(Mason) Creech, was a direct descendant of the early colonist, John Mason, of New Hampshire.

Mr. Creech was educated in the public schools and read law in his native city, and was admitted to the Suffolk bar March 12, 1862, and to the bar of the Supreme Court of the United States at Washington in 1876. Soon after his admission to practice he formed a law copartnership with Hon. William Joseph Hubbard, which continued under the firm name of Hubbard & Creech until Mr. Hubbard's death in 1864. Since then Mr. Creech has been engaged in the general practice of his profession alone, giving special attention to probate and insolvency matters and to the management of large estates. He is an able lawyer, and during a career of thirty-seven years at the Boston bar has achieved an honorable record and success. In the line of probate, insolvency, and trust law he is regarded as an authority.



SAMUEL W. CREECH.

In politics Mr. Creech is a consistent Republican. He has held offices in the Boston city government, and is a member of several clubs and societies. He is a prominent thirty-second degree Mason, thoroughly acquainted with the entire history of Masonry from the earliest period, and a member and past master of Massachusetts Lodge, F. & A. M., before which he delivered the historical address at its 125th anniversary in May, 1895. He is also an old-time member of the Ancient and Honorable Artillery Company of Massachusetts. For many years Mr. Creech has been a well-known amateur microscopist, giving much of his time to scientific study and research, and to the collection of microscopical books and specimens. In this field of science his labors have brought him into more than local prominence. He owns a large library and collection as well as a full set of instruments, and in the recreative pleasures of microscopy finds relief and relaxation from the more arduous duties of his profession. In connection with this science, with Masonry, and with other matters he has delivered many important addresses, and in the threefold capacity of lawyer, orator and scientist has won a high reputation.

Mr. Creech was married December 26, 1866, to Miss Nancy Amelia Patterson, of Boston, and they have one daughter.

ARTHUR HOLBROOK WELLMAN, Boston, is a descendant in the ninth generation on his father's side of William Bradford, governor and historian of the Plymouth Colony. He is also descended from William Brewster, the church elder of Plymouth, and from Abraham Wellman, who perished at the siege of Louisburg under General Pepperell, in 1745. His paternal great-great-grandfather, Rev. James Wellman, was graduated at Harvard College in 1744, and was the first minister at Cornish, N. H., where his great-grandfather, James Wellman, and grandfather, Dea. James Ripley, spent their active lives. His father, the Rev. Joshua Wyman Wellman, D. D., was graduated from Dartmouth College in 1846, and held pastorates of Congregational churches in Derry, N. H., and Newton and Malden, Mass.; he married Ellen Maria, daughter of the late Caleb Strong Holbrook, of Holbrook, Mass., and

Prudence Durfee, his wife, who was a lineal descendant of Hon. Thomas Durfee, of Freetown, Mass., for many years State senator, member of the Governor's Council, and judge of the Court of Sessions. A number of Mr. Wellman's ancestors served with distinction in the Revolutionary war, while the family has always been prominent in civil and business life.



ARTHUR H. WELLMAN.

Arthur H. Wellman, son of Rev. Joshua Wyman Wellman, D. D., and Ellen Maria Holbrook, was born in East Randolph (now Holbrook), Mass., October 30, 1855, and was graduated from the Newton (Mass.) high school in 1874. The same year he entered Amherst College, from which he was graduated with honors in 1878, delivering the valedictory and a Hyde prize oration and holding membership in the Alpha Delta Phi. He then spent a year in European travel, and on his return entered the Harvard Law School, where he remained two years, when he transferred his studies to the Boston University School of Law, from which he was graduated with the degree of LL.B., *summa cum laude* in 1882. He also studied in the office of the late Lyman Mason of Boston, and since being admitted to the Suffolk bar in July, 1882, has been actively and successfully engaged in practice in that city.

Mr. Wellman is a lawyer and advocate of recognized ability, and for several years has occupied a prominent place at the Boston bar. He was an instructor in the Boston University Law School from 1886 to 1891, when he succeeded the late Elias Merwin as professor of equity jurisprudence and equity pleading, which position he has since filled. He is a Republican in politics, and has held several offices of trust and honor. In 1885 he was a member of the Common Council of Malden, Mass., where he resides, and for three years (1889 to 1891 inclusive) he served that city as solicitor. He was a member of the lower house of the Massachusetts Legislature in 1892–1894, being a member of the judiciary committee the first year, House chairman of the committee on cities the second year, and House chairman of that committee and of the special committee on the unemployed and a member of the committee on taxation the third year. In 1895 and 1896 he was a member of the State Senate, serving both years as chairman of the committee on railroads. He has been a trustee of the Malden Hospital and of the Malden Public Library for several years, and still holds both positions, and is also a member of the Malden Historical Society, of Converse Lodge, F. & A. M., of Malden, of the Boston Congregational Club, of the American Bar Association, and of the Bar Association of the city of Boston. He is now a member of the Board of Prison Commissioners of Massachusetts.

Mr. Wellman was married October 11, 1887, to Miss Jennie L. Faulkner, and they have two children: Sargent Holbrook and Katharine Faulkner.

LEWIS WASHINGTON HOWES, Boston, traces his ancestry back on both sides to some of the early colonial families of Massachusetts, where his grandparents, Sylvanus and Sarah (Lincoln) Howes and Asa Abbott, were born. Sylvanus Howes and his wife

moved into Maine at an early age and spent the remainder of their lives there, living together in wedlock for about eighty years. He took a prominent part in the struggle for American independence and died aged over one hundred years; his wife lived to the age of about one hundred and died, like her husband, in the full possession of all her faculties. Both were strong, robust people, endowed with



LEWIS W. HOWES.

rare intellectual powers and great force of character, and left to their son, Samuel, the rich inheritance of manly vigor and a good name. Asa Abbott was born in or near Lexington, Mass., and married Miss Brooks, moved to Sidney, Me., and reared on a large farm a family of four sons and three daughters. Sarah Heywood Abbott, one of the daughters, became the wife of Samuel Howes and by him the mother of the subject of this sketch.

Lewis W. Howes, the eldest surviving son of Samuel and Sarah H. (Abbott) Howes, was born on a farm in Sidney, Me., where, and in Augusta, Me., he spent most of his boyhood and youth. His early years were much like those of the average farmer's boy. He was educated in the district schools of his native town and in Augusta at the Augusta High School, at the Maine Wesleyan Seminary at Kent's Hill, at the North Yarmouth Academy in Maine, and Phillips Andover Academy in Massachusetts, spending as much time in study in these institutions as if he had taken the usual preparatory and college courses to the end of a collegiate graduation. He thus received a thorough classical training, which he supplemented while studying by teaching several terms of district school. He studied law for three years with his mother's brothers, Nehemiah and Howard B. Abbott, who were then among the leading lawyers in Belfast, Me. Howard B. Abbott soon became a noted minister in the Methodist Episcopal church, but Nehemiah continued at the bar for many years, attaining distinction as one of the ablest lawyers in the State and serving for a time in Congress. Mr. Howes was admitted to the Waldo county bar at Belfast in December, 1847, and at once formed a copartnership with his uncle, Nehemiah Abbott, under the firm name of Abbott & Howes, which continued about six years. In the reading of law and in his first professional work he was peculiarly fortunate, as he was associated with one of the best advocates in the Pine Tree State. Under these circumstances he not only gained a valuable experience, but came at once into a large clientage and into a field in which his best qualities were developed and broadened. In 1853 the firm dissolved and Mr. Howes continued in business alone until 1855, when he left Belfast and moved to Rockland, Me., where he remained in active practice till 1867, being district attorney of Lincoln (now Knox) county during the last eight or nine years of his residence there. He was one of the chief instigators and promoters of the division of Lincoln county and the formation of the new county of Knox.

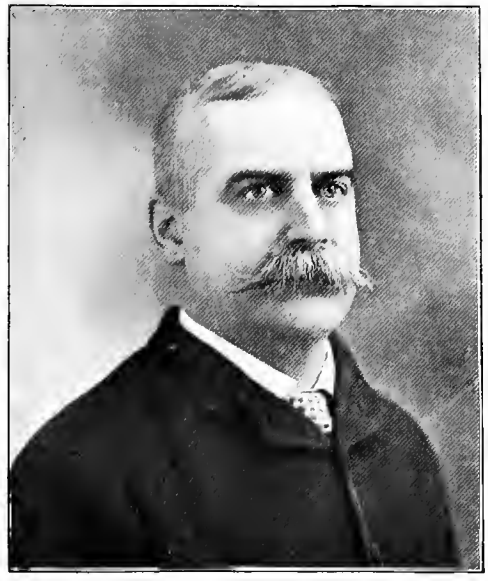
In the spring of 1867 Mr. Howes moved his office and residence to Boston, Mass., where he has since been successfully engaged in the general practice of his profession, being admitted to the Suffolk bar May 25, 1867. He was associated for a time with the late Emory B. Smith,

under the style of Howes & Smith, and afterward was the senior partner of the firm of Howes & Baker, but otherwise he has practiced alone. For many years he was connected with the trial of numerous important cases as senior, chiefly of a civil character. Latterly, however, he has been more engaged in office business, and has acted much as master and auditor. He was counsel for the defendant in the celebrated breach of promise case of Van Houten v. Morse, in which a verdict of $40,000 was finally set aside by the full court, on defendant's exceptions. He was also connected with several of the Pemberton Bank cases, and with the famous "dressmaker case" of Flynt v. Coolidge, which involved a dressmaker's bill of about $2,000, and which attracted wide attention at the time. Mr. Howes owes his settlement in Boston largely to the advice of the late Henry W. Paine, upon whose recommendation he was admitted to the bar. That he decided wisely is evident from the fact that he has achieved success and reputation, and that his professional career in Suffolk county, covering a period of thirty-two years, has won for him an honorable standing and universal confidence and esteem. He is an able lawyer and advocate, well grounded in the principles of practice and of legal learning, and as master and auditor, has displayed excellent judgment, broad and comprehensive knowledge, and sound common sense.

In politics Mr. Howes has been an ardent Republican since the organization of the party in 1856. He resided in Cambridge, Mass., from 1873 to 1886, and was a representative from that city to the lower house of the Legislature in 1883 and 1884, serving both terms as a member of the judiciary committee. From 1867 to 1873, and since 1886, he has lived in Boston, and for one year he was a bar examiner for Suffolk county, his colleague being John S. Abbott.

Mr. Howes was married in June, 1851, to Clementine E., daughter of Rev. John Allen, of Farmington, Me. She was a sister of the mother of Nordica, the distinguished vocalist. They had three children: John Allen Howes, who died in 1874; Mary, who died in the autumn of 1880; and Annah L., who resides in Waltham, Mass., where she is a very popular and accomplished musician. Mrs. Howes died in May, 1880, and on January 1, 1887, Mr. Howes married Miss Delia A. Varney, who had been for many years a prominent teacher in the Boston public schools.

EDWARD BELCHER CALLENDER, Boston, is a lineal descendant of Ellis Callender, the first Baptist minister of Boston, about 1641, and of Jonathan Belcher, royal governor of Massachusetts Bay from August 6, 1730, to August 17, 1741. His great-grandfather, Benjamin Callender, was a founder,



EDWARD B. CALLENDER.

with Paul Revere and others, of the Massachusetts Charitable Mechanics' Association, and one of its original directors. His grandfather, Richard Belcher Callender, was a prominent Boston merchant engaged in the West India trade, and for many years was a member of the Boston Common Council. Henry Callender, his father, was a member of the wholesale grocery firm of Nash, Callender

& Co., of Boston, which became Nash, Spaulding & Co., and during the latter part of his life was engaged in the same business for himself. He married Adeline Jones Stoddard, whose father, James Jones, moved from Norwich, England, to Providence, R. I., and whose mother was Elizabeth Coolidge, a member of an old and respected family of Watertown, Mass.

Edward B. Callender, son of Henry and Adeline Jones (Stoddard) Callender, was born in Boston, Mass., February 23, 1851, and received his preliminary education in the public schools, graduating first from what was then the Adams Grammar School in Dorchester and in 1867 from the Dorchester High School. He also spent one year in the private school of George W. C. Noble, then entered Harvard University, without conditions, from which he was graduated in 1872 with honors in history and political economy. While in college he became a member of the Delta Kappa Epsilon, of the Institute of 1770, and of the Hasty Pudding Club. Immediately after graduating he entered the law office of Morse, Stone & Greenough and in 1873 the Harvard Law School, where he remained one year. He continued his legal studies with Robert M. Morse, jr., of Boston, and upon his admission to the Suffolk bar in May, 1875, began an active professional career in his native city. Without any partnerships he has built up a large general practice, which has specially developed into the departments of commercial and mercantile law.

Mr. Callender is an able advocate and counselor, and for several years has occupied a prominent position at the bar. He is a brilliant speaker and conversationalist, thoroughly versed in general literature as well as in the science of the law, and actively interested in all public matters. As a writer he has achieved a considerable reputation, being the author of "Thaddeus Stevens: Commoner," a a biography published in 1882, and of "The Leg Pullers," a political novel, published in 1895. He has also been a frequent contributor to the old American Law Review, to the Southern Law Review, and to the public press and leading magazines. He has always been an ardent Republican, and with Hon. Charles Johnson Noyes, of Boston, made a number of stirring speeches in the Southern States in behalf of his party. These two gentlemen were among the first to attempt such a tour in the South after the war of the Rebellion. Mr. Callender represented the Dorchester district of Boston in the lower house of the Legislature in 1879, 1897 and 1898, and took a prominent part in many important legislative matters. In 1879 he was a member of the committee on probate and chancery and in 1897 of the committees on probate and insolvency and public health. In 1898 he served as chairman of the committee on public health and as a member of the committee on street railways. He is a public spirited, progressive, and patriotic citizen, and in every capacity has ably and efficiently discharged his duties.

CHARLES SIDNEY ENSIGN, Boston, son of Sidney Ariel and Julia Maria (Brockway) Ensign, was born in Hartford, Conn., July 26, 1842. He is of English descent, the name first appearing in 1395, when William-de-Ensinge owned and occupied a landed estate at Chilham, near Canterbury. The name was afterward spelled Ensing and finally Ensign. The common ancestor of the family in America was James Ensign, a man of strong character and intellectual power, who went from Cambridge, Mass., with Thomas Hooker's colony to Hartford, Conn., as one of the original proprietors of the Hartford Plantation. He was prominent in church and town affairs, held a number of important offices, and died in Hartford in 1670, leaving a large estate, mainly in land in and near the town. His son, David Ensign, was one of the first settlers in West Hartford, Conn. From him the line is as follows: (3) Thomas Ensign, of Hartford; (4) Moses Ensign, of Hartford; (5)

Isaac Ensign, a noted and skillful blacksmith, a soldier for a short time in the Revolution, and (1770) the recipient of a grant of land from Simsbury, Conn., to remove from Hartford and locate there; (6) Ariel Ensign, a teacher, merchant, the compiler of the first directory of the city of Hartford in 1828, and later an editor in New York, where he died about 1844; and (7) Sidney Ariel Ensign, a merchant in Hartford and afterward an extensive real estate operator, owning land in that city, in New York, and in the West. He died April 28, 1893. He was a fine accountant, a member of the Hartford city government, and a man of unquestioned integrity and great industry. During the Civil war he was treasurer of the Union Defense Committee of Hartford, and handled upwards of $200,000 for that body.

The Ensign family has always been distinguished for its patriotism and for its substantial qualities of head and heart. For generations they have exhibited the typical New England characteristics of enterprise and advancement combined with those sturdy, steady, enlightened traits of intellectual ability which command as well as deserve success. Never seeking office, they have nevertheless filled many important positions. Without display, they have achieved prominence and honor in the professions, in business, and in every pursuit. Tracing their descent from a common ancestor, James Ensign, they have not only inherited a striking individuality, but have broadened and exemplified that standard of culture and citizenship which was raised more than two hundred and fifty years ago. Ariel Ensign, of the sixth generation, married Roxey Gilbert, a descendant of Jonathan Gilbert, the first marshal of the Hartford colony, and grandfather of Jonathan Belcher, colonial governor of Massachusetts and later of New Jersey. Sidney Ariel Ensign, son of Ariel, married Julia Maria, daughter of Alva and Maria (Hull) Brockway; great-granddaughter of Samuel Brockway, who served under Pepperell in the siege of Louisburg; a granddaughter of Elijah Brockway, son of Isaac, a drummer in the war of 1812, and a direct descendant of Wolston Brockway, one of the original settlers of Lyme, Conn. On her mother's side she was a cousin of Isaac Hull, of Detroit fame, and a descendant of Dr. John Hull, of Wallingford, Conn.

Charles S. Ensign received his preliminary education in the public and high schools of Hartford, attending in the mean time the private school of Edward L. Hart in Farmington. Though twice prepared for college he was



CHARLES S. ENSIGN.

obliged to abandon the hope of a collegiate training on account of poor health, from which he suffered during his entire youth and early manhood. It was his intention to enter Yale, but, having recovered his strength, he commenced the study of law in the office of Thomas C. and Charles E. Perkins, of Hartford, and afterwards at the Harvard Law School, from which he was graduated with the degree of LL.B. in 1863. He remained another year at Harvard, as a resident graduate. He was admitted to the Middlesex bar at Cambridge in 1864, and in July following to the Connecticut bar at Hartford. Soon afterwards he was admitted to the bar of the United States Circuit and District Courts.

Mr. Ensign began active practice in Hart-

ford, and in 1865, when only twenty-two years old, became a member of the Common Council. The same year he went to Europe, and, availing himself of a privilege then open to Americans, entered the College of France at Paris, where he attended general lectures. He also traveled over the continent quite extensively, in 1867 returned home and in April, 1868, was admitted to the New York bar. He opened an office and took up his residence in New York city, where he soon acquired a successful practice, and which has ever since been the scene of a large part of his professional labors, though in late years his business has centered mainly in Boston. In 1870 he moved his home to Brooklyn, where he took an active part in public affairs, serving as president of the Citizens' Association and also of the Tax-Payers' General Committee, which contributed largely to the municipal purity of that city. He was also a member of the influential, non-partisan "Committee of One Hundred."

In 1879 Mr. Ensign removed his residence to Watertown, Mass., and in 1884 engaged in active practice in Boston, where he has since maintained an office, still continuing, however, professional relations with the bar of New York city and Hartford, whither he is often called on legal business. In Watertown he also took a leading part in public matters, serving as chairman of the board of trustees of the Watertown Public Library and being for eight years a member of the School Committee. He declined a re-election to each office. In 1891 he represented Watertown and Belmont in the Legislature of Massachusetts, being elected by Republican and Democratic votes, and by his independent course exercised great influence in shaping legislation. He was House chairman of the library committee and clerk of the committee on probate and insolvency, and was one of the twenty members who caused the defeat of the so-called salary-grab bill. His legislative record was highly commended by both Republican and Democratic newspapers throughout the Commonwealth. In 1895 he was the candidate for senator from that district on a citizens' ticket, but was defeated by the Republican nominee by only nineteen votes, the usual Republican majority being 3,000. This defeat was due to the refusal of the authorities to allow a recount of the vote in the city of Waltham, as everything pointed to the election of Mr. Ensign.

In 1897 he moved his residence to Newton, Mass., where he continues to exercise the same active interest in public affairs that he displayed in Brooklyn and Watertown. He was a candidate for alderman in 1898, and is secretary of the Newton Monday Evening Club.

Mr. Ensign has been prominent in other political capacities. During the Tilden campaign he was a member and corresponding secretary of the Democratic General Committee in King's county, New York, and later in the Blaine campaign in Massachusetts, he was an active member of the Independents. Afterward he became a member and clerk of the executive committee of the Massachusetts Young Men's Democratic Club. As moderator and presiding officer at every kind of public meeting he has been in frequent and constant demand since the age of sixteen, and his experience in this capacity has been both interesting and valuable. He is an able parliamentarian, a ready and fluent speaker, and a talented writer. His numerous public addresses and papers, principally in the line of history, show great literary skill and taste, and have won for him a wide reputation among amateur literary lights. He is a member of the Connecticut Historical Society of Hartford, of the Congregational Club of Boston, and of the New England Historic Genealogical Society, and formerly a member of the council and corresponding secretary of the latter body. He was an original member and one of the incorporators of the Historical Society of Watertown, is clerk of the Eliot Religious Society of Newton, and is connected with various other organizations, including the American Historical Association.

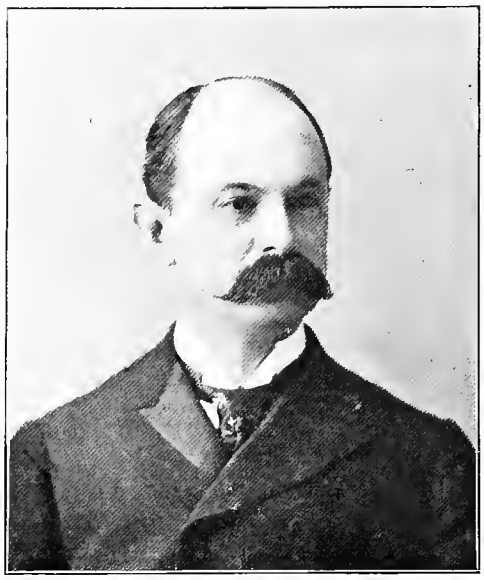
Mr. Ensign has been mentioned for judicial honors and urged to accept many important

offices and trusts, but aside from performing the duties of a public spirited, progressive citizen has rather avoided than courted public life. He has never sought political preferment. The offices he has filled have been urged upon him without solicitation on his part, and often without his knowledge and against his wishes. As a lawyer he has been eminently successful. He has often acted as arbitrator, was United States Commissioner of the Court of Claims for Boston, and in New York frequently sat as referee. There, too, he was successively appointed a notary by Governors Tilden, Cleveland, Cornell, and others, while in Boston he has been for many years a justice of the peace. From a general practice his business has developed largely in the line of real estate, trust, probate, ecclesiastical law, and important will cases. During his career at the bar he has lost not more than half a dozen cases, a fact which at once shows his ability and his success. His practice has been of the highest class, entirely civil in its scope and character, and free from any questionable procedure. Many of his cases have been settled by him before they were brought to trial, to the general satisfaction of all concerned, and to his honor and credit as a trustworthy lawyer.

Mr. Ensign married December 2, 1868, Angeline Faxon Barker, daughter of the late Hiram Barker and Hepseybeth Faxon, of Brighton (Boston), Mass., and a great-granddaughter of Lieut. Roger Adams, who was at the battle of Lexington in 1775. Her father was a prominent Boston merchant. They have two children: Angie Gertrude and Charles Sidney, jr. The latter was graduated from Harvard College in 1899, having completed a regular four years' course in three (1895–98), and is now (1899) a student at the Harvard Law School.

EVERETT WATSON BURDETT, Boston, son of Augustus P. and Mariann (Newman) Burdett, was born in Mississippi, April 5, 1854. His American ancestors were all Massachusetts people, the first of whom settled in Malden prior to 1653. His parents, both natives of Massachusetts, went South in 1852, and returned to Massachusetts in 1873.

Everett W. Burdett passed his early boyhood in Memphis, Tennessee, where he was a witness of many of the most stirring scenes of the Civil War, the city being first held by the Confederate troops and afterwards by the Federals. His father was a staunch supporter of the Union cause, and was subjected to persecution for his loyalty.



EVERETT W. BURDETT

At thirteen years of age young Burdett was sent to school in Massachusetts, where his education was completed in private schools, except that he attended Washington University in St. Louis, Mo., for a brief period. With this exception he has resided in Massachusetts since 1867 and in Boston since 1879. He entered the law school of Boston University in 1875 and was graduated with the degree of LL.B. in the class of 1877. In May, 1878, he was admitted to the Suffolk bar, and has since been actively engaged in practice in Boston. He began practice with Hon. Charles Allen, late senior associate justice of the Supreme Ju-

dicial Court of Massachusetts, in whose office he had studied. Soon after, however, he was appointed assistant United States attorney for the district of Massachusetts, and served in that capacity for nearly three years, trying substantially all of the cases for the government during the latter part of his incumbency. He then resigned, and entered upon the general practice of the law, to which he has since devoted himself exclusively. His present practice relates chiefly to business and corporation matters. He became counsel for electric lighting interests almost as soon as the industry was established in Massachusetts, and has since been the attorney of the most important companies in that business. He has also been much engaged in electric railway matters. He has been the general counsel of the associated electric lighting companies of the Commonwealth since their organization into a State association in 1889, and has acted in the same capacity for the State association of electric railway companies. He also acts at times for similar companies and associations in other States.

Mr. Burdett has recently given much attention to street railway matters, and was one of the prime movers in practically consolidating over thirty of the principal companies in eastern Massachusetts and Rhode Island under the name of the "Massachusetts Electric Companies," of which he is a trustee. This organization has a trackage of more than 650 miles, said to be the largest street railway mileage under one management in the world, extending from Nashua, N. H., on the north, to Newport, R. I., on the south.

For some years he was in partnership with Hon. Daniel W. Gooch, formerly a member of congress from Massachusetts. Since 1885 he has been associated with Charles A. Snow, esq., since 1893 under the firm name of Burdett & Snow.

Mr. Burdett is the lecturer on medical jurisprudence in the medical school of Boston University. He is a joint author (with Mr. Snow) of the Massachusetts section of Foote and Everett's elaborate work on the "Law of Incorporated Companies Operating under Municipal Franchises." A number of his arguments have been published, notably those in opposition to municipal ownership and operation of public-service enterprises, and an elaborate argument, amounting to a treatise, upon "The Relations of Street Railway and Municipal Corporations in Massachusetts," delivered before a special commission appointed by the governor of that Commonwealth in 1897. For two years he was president of the Mercantile Library Association of Boston. He is now a trustee of the Massachusetts Homeopathic Hospital and a director in several business corporations. In politics he is a Republican. He is a member of the Algonquin, Curtis, and Athletic Clubs of Boston, and of the Boston Bar Association.

Mr. Burdett married Miss Maud Warner of Boston. They have two children: Marion and Paul, both born in Boston.

EDWARD BANGS, Boston, was descended from Edward Bangs, who, in 1623, came from England to Plymouth, Mass., in the ship Ann, the last of the three ships of the Pilgrims, and who married Lydia Hicks, a passenger in the same vessel. She was the daughter of Robert Hicks, a leather dresser, of London, and a niece of Sir Baptist Hicks, afterward Viscount Camden. The line is as follows: (1) Edward Bangs, born in 1591; (2) Jonathan Bangs, born in 1640; (3) Edward, 1665; (4) Edward 1694; (5) Benjamin, 1721; (6) Benjamin, 1758; and (7) Isaac, 1787. The descendants of the first Edward intermarried with many of the Pilgrim and Puritan families, and were useful and influential citizens, maintaining honorable positions in their respective communities. A great-uncle of the subject of this article was an officer in the Revolutionary army, and in 1890 Mr. Bangs published his diary. Edward D. Bangs, a cousin of Isaac, was the honored secretary of Massachusetts from 1824 to 1836.

Edward Bangs, son of Isaac and Alicia (Le Cain) Bangs and a grandson on his mother's side of John and Sarah (Province) Le Cain, of Annapolis Royal, Nova Scotia, was born in Boston, Mass., July 16, 1825. When a boy he formed an acquaintance with Ralph Waldo Emerson that ripened into a lifelong friendship, and was only interrupted by death. After completing his preparatory studies Mr. Bangs entered Harvard College, from which he was graduated in 1846. He was especially fond of the classics, and at one of the exhibitions was assigned a Latin dialogue with his classmate, Prof. George M. Lane, afterward the distinguished scholar and author. His correspondence shows that he kept up his knowledge of Latin, and to some extent of Greek, during his life. In college he held several positions of honor and was grand marshal of the Porcellian Club during the four years. Among his classmates were William Sohier Dexter, Hon. George Frisbie Hoar, Dr. Charles Eliot Norton, Prof. William T. Harris, Prof. Francis J. Child, Dr. Calvin Ellis, Judge Augustus Lord Soule, and Prof. Charles Short. Soon after leaving Harvard Mr. Bangs and several other members of the class of 1846 formed a small social club, which has survived to this day, unbroken except by deaths.

The natural inclination of Mr. Bangs was to a literary life. He was a wide reader, a student of philosophy, especially of the works of Plato, and could always enliven and enrich his conversation with anecdotes and illustrations drawn from sources which few had explored. His literary tastes were strong, but not being at that time independent in fortune he became a lawyer, studying at the Harvard Law School, from which he was graduated with the degree of LL.B. in 1849. He was admitted to the Suffolk bar October 7, 1850, and at once established himself in Boston, where he was associated for several years with Hon. Ebenezer Rockwood Hoar, since deceased, and Hon. Horace Gray, now an associate justice of the United States Supreme Court. His great modesty and a certain shrinking from the rough work of jury trials prevented him from attaining a large court practice, and, besides, his physical powers would hardly have sustained the strain of the exhaustive service before juries. He did, however, argue some important cases, including a celebrated prize cause at Washington, and gained the reputation of being an able advocate. The judges before whom he spoke praised him highly for



EDWARD BANGS.

the clearness and cogency of his arguments. After Mr. Hoar was appointed to the bench in 1859 Mr. Bangs drifted into trusts and employments of a less conspicuous nature than are those of a lawyer trying cases in the courts, but equally useful and important. The late Dr. George E. Ellis, president of the Massachusetts Historical Society, said of him: "He turned his legal training to profitable uses in the administration of affairs committed to him because of his ability and his high reputation, which won for him the esteem and confidence of intimate friends and of our community."

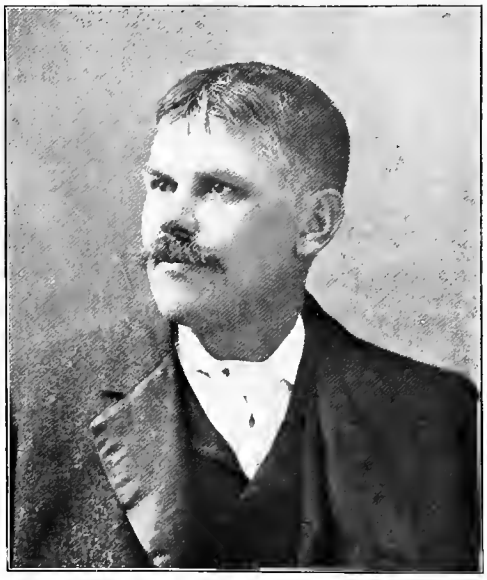
Mr. Bangs was a trustee of the oldest savings bank in Boston and of the Central Wharf Corporation, a director of the Chicago, Burlington and Quincy Railroad Company, and the trustee of numerous large trusts and estates. In 1871 he formed a copartnership

with Samuel Wells, son of Gov. Samuel Wells, of Maine, under the firm name of Bangs & Wells, which still continues, the surviving members being Mr. Wells and a son of each of the partners. Mr. Bangs died February 16, 1894.

He was a prominent member and a valued contributor to the Massachusetts Historical Society, a member of one of the earliest Adirondack clubs and a member of the Somerset Club. For several years he lived on his estate at Watertown, Mass., where he served as selectman and member of the School Committee. In 1865 he represented Watertown in the lower house of the Massachusetts Legislature. "He might have served in many public offices had his tastes allowed him to seek or fill them." Though shunning public life he was deeply and actively interested in public questions, and formed his independent judgment, often in opposition to the opinion of the hour. Thus he was convinced that Tilden was elected president in 1876, and also that the policy of issuing irredeemable paper money was unnecessary, foolish, and wasteful, and that even in time of war millions would have been saved by a more conservative financial course. He was an enthusiastic sportsman. During the latter part of his life he spent his winters in Boston and his summers at Wareham, Mass., where he owned a farm, upon which he took special delight in planting food for the game birds that he imported. In this attempt to restore the game birds to something like their former abundance he met with much success. He was quietly and effectively generous to the poor, courteous and genial in all his intercourse, and prominently identified with the best interests of the community. He achieved a foremost position at the bar, being widely recognized as a wise counselor and a man of sound judgment and unquestioned integrity. As a citizen he was universally respected. He always displayed a deep interest in literature, as previously mentioned, and on one occasion brought to the notice of his lifelong friend, Mr. Emerson, those remarkable tales of "Peg Woffington" and "Christie Johnstone," by an author then comparatively unknown, and through him induced their publication in the United States.

Mr. Bangs was married September 25, 1856, to Anne Outram Hodgkinson, daughter of David Hodgkinson, of Thurgarton Priory, Notts, England; and a great-great-great-granddaughter of Gov. Thomas Hinckley, of the Plymouth Colony. She survives him, as do also two daughters and three sons, one of the latter being Edward Appleton Bangs, noticed elsewhere in this work.

EDWARD APPLETON BANGS, Boston is the son of the late Edward Bangs, whose memoir appears in this work, and a descendant of Edward Bangs, who came from England to Plymouth, Mass., in the ship Ann



EDWARD A. BANGS.

in 1623. His mother, Anne Outram Hodgkinson, was a daughter of David Hodgkinson, of Boston, and a great-great-great-granddaughter of Gov. Thomas Hinckley of the Plymouth Colony.

Mr. Bangs was born in Watertown, Mass.,

on the 27th of June, 1860. He was educated in Boston in the private school of Miss Adams on Brimmer street and at George W. C. Noble's private school on Winter street, and then entered Harvard College, from which he was graduated in 1884. Among his classmates were T. Jefferson Coolidge and Gordon Abbott, of Boston, and many others who have achieved distinction in civil and professional life. On leaving college Mr. Bangs became a student in the office of Bangs & Wells, the former being his father and the latter Samuel Wells, son of Gov. Samuel Wells, of Maine. He was admitted to the Suffolk bar in January, 1887, and since then has practiced his profession in Boston in connection with the firm of Bangs & Wells, of which he became a partner January 1, 1893. His father died February 16, 1894.

Mr. Bangs has devoted himself almost exclusively to trust, real estate, and probate law, and to the management and care of property of others. He has developed marked ability and gained a high standing at the bar, and has been eminently successful. As a citizen he is public spirited and progressive. He is a member of various organizations, including the Puritan, the Massachusetts, and the Eastern Yacht Clubs, the Beverly Yacht Club, the Country Club, and the Nuttall Ornithological Club of Cambridge. He is also a member of the Bar Association of the city of Boston. He is a Democrat in politics, resides in Boston, and is unmarried.

JOHN LEWIS BATES, Boston, speaker of the Massachusetts House of Representatives in 1897, 1898 and 1899, is the son and third child of Rev. Lewis Benton Bates, D. D., and Louisa D. Field, and a descendant of one of the oldest families in New England. His genealogical line is traced directly back to Thomas Bates, esq., of Lydd, of the parish of All Hallows, England, who died in 1485. In the fifth generation from this early English yeoman, his descendant, Clement Bates, came from England in the ship Elizabeth in 1635 and was one of the first white settlers in what is now the town of Hingham, Mass., where he was originally allotted, on the 18th of September of that year, an estate on which stood the historic Anchor Tavern. A part of this grant has remained in the possession of the family down to the present day. Several descendants



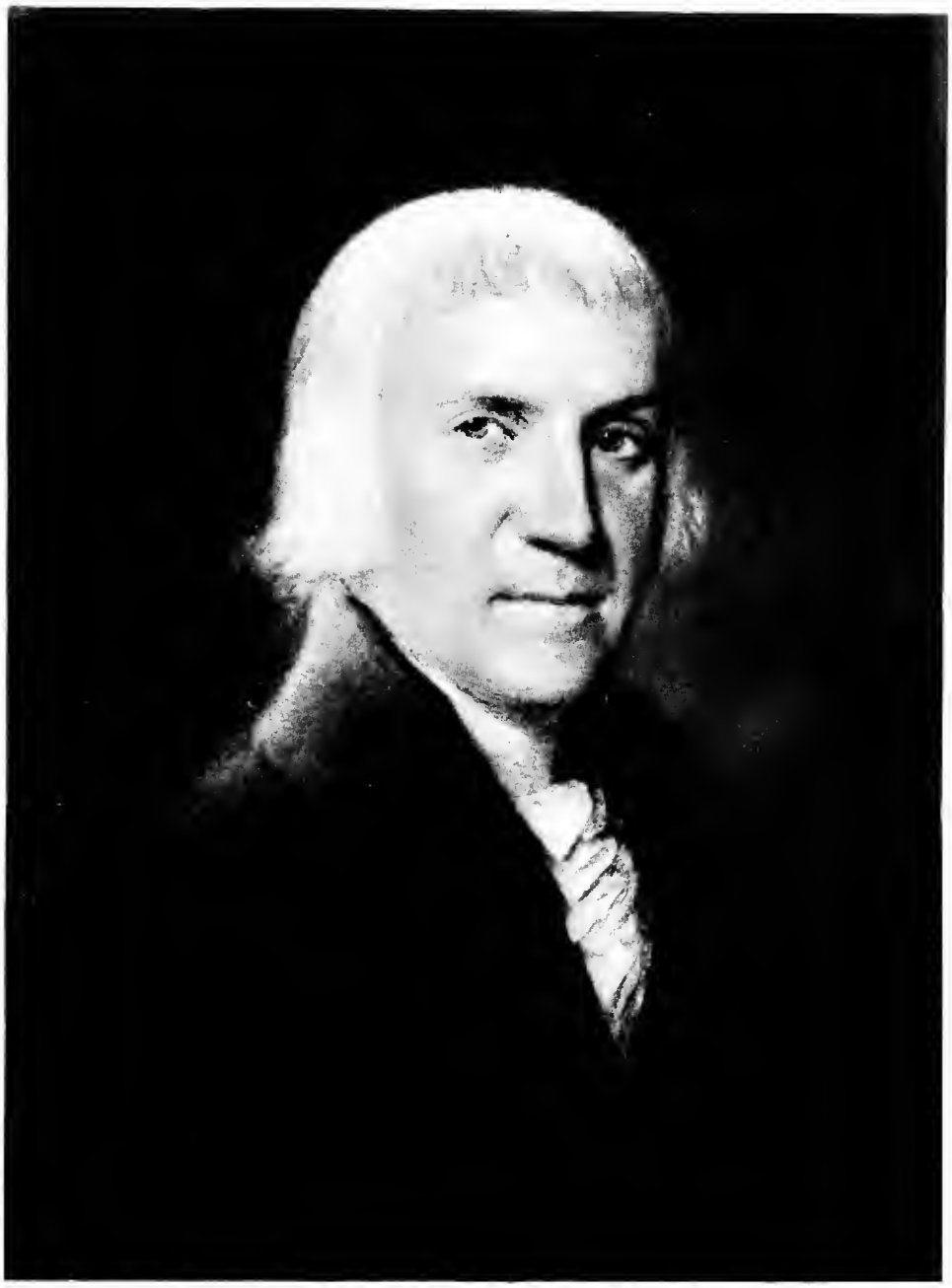
JOHN L. BATES.

of Clement Bates participated in King Philip's war, in the French and Indian wars, and in the war of the American Revolution. Among the latter was Levi Bates, who became a lieutenant, and who after the war was over, removed to Springfield, Vt. His son, Rev. Lewis Bates, was well known throughout New England as a Methodist minister. He married Elizabeth Webster. Rev. Lewis Benton Bates, D. D., son of Rev. Lewis and Elizabeth (Webster) Bates, and a descendant in the eighth generation from Clement Bates of Hingham, was born in North Easton, Mass., November 26, 1829, and since August, 1848, has been continuously and successfully engaged in the Methodist ministry in New England, principally in Massachusetts and Connecticut, and since 1872 in and around Boston. Since 1894

he has held the pastorate of the Bromfield Street Methodist Episcopal church in that city. Dr. Bates has performed a large share of evangelistic work in the course of nearly half a century, and has served as president of the Methodist Ministers' Relief Association since 1882, of the New England Conference Preachers' Aid Society since 1891, and of the Boston Methodist Preachers' Meeting for two years (1871–73); was chaplain of the Third Regiment, M. V. M., for five years; is a director of the Lay College and of the New England Evangelistic Association; and a leading member of various church and philanthropic bodies. He was married June 12, 1850, to Miss Louisa D. Field of Taunton, Mass., and has five children, the third, John Lewis Bates, receiving his middle name from the family descendants of George Lewis, who arrived in America from England in 1633.

John L. Bates was born in North Easton, Mass., on the 18th of September, 1859. His father being an itinerant Methodist preacher, his early education was obtained in the public schools of the various towns and cities to which Dr. Bates was assigned. Later his preparatory training was acquired in the public schools of Taunton and Chelsea, Mass., and at the Boston Latin School, where he was graduated from the academic department of that institution in 1882 with the degree of A. B. Afterward he taught school for one year in Jamestown, N. Y. Having decided to enter the legal profession, he returned in 1883 and entered the Boston University Law School, where he went through and condensed the usual three years' course into two years, taking his degree of LL.B. in 1885. During a considerable portion of this period he was also a teacher in the Boston evening schools. In September, 1885, he was admitted to the Suffolk bar, and since then has been engaged in active and successful practice in Boston, residing in East Boston.

Always a staunch Republican, Mr. Bates has wielded a potent influence in the councils of his party since 1891, when his political career began as a member of the Boston Common Council from East Boston, in which he also served in 1892. In the autumn of 1893 he was one of the two Republican candidates for representative to the lower house of the Massachusetts Legislature from the First Suffolk district, comprising East Boston, and was easily elected. Since that time he has been annually re-elected, serving now (1899) his sixth term, and being the only man to whom has been accorded that honor in the history of his district. Each year he has been elected by increased majorities. His career in the House has been marked by the same hard, conscientious work that he displayed in school and college, and which has brought him distinction in the law. He has never been recognized as one of those men who perform some brilliant piece of work one day and rest for a week; he works every day, and it is this constant labor which has made its impression on his colleagues. During his first year in the Legislature Mr. Bates served on the committee on insurance and on the special committee on the revision of the corporation laws. The second year he was chairman of the committee on insurance and also served on the new committee on metropolitan affairs. The latter was an important committee during that session of the Legislature, for before it came the great metropolitan water bill, which was passed, and which involves the expenditure of $30,000,000. The Boston subway repeal measure was also brought before this committee, and other matters of importance relating to the park system and the metropolitan sewerage. The third year, in addition to his work on the metropolitan committee, Mr. Bates was chairman of the committee on bills in the third reading, which is one of the most important committees in the House. His position on this latter committee made him practically the right-hand man of the speaker during the entire session and he was frequently invited to take the chair. Mr. Bates's knowledge of the rules and his methods of dispatching the business of the House gained for him many friends



among the members. His friends brought him forward as a candidate at the opening of the session in 1897, and he was unanimously elected, without opposition, as speaker of the House. Speaking of the "New Legislature" the Boston Journal said:

"In the House there are two important changes. Representative John L. Bates, of East Boston, is the new speaker. He comes to the chair under conditions which testify in a vivid way to his strength and popularity, for he is unanimously elected to a post for which there is usually a determined struggle whenever it falls vacant. Earlier in the year Mr. Bates had competitors, but one by one they have all voluntarily withdrawn. The new speaker has had much experience and success as a legislator, and he possesses remarkably winning qualities as a man. He enters upon a career which is full of promise of large distinction."

Mr. Bates gained fresh honors for himself by his expeditious manner of transacting the business of the House, and by his fairness and impartiality in all questions and was unanimously re-elected speaker in 1898 and again in 1899. On October 6, 1899, was nominated for lieutenant-governor. He is a good parliamentarian, a ready debater, and a man of ability, of unswerving integrity, and of pleasing address. As a lawyer he has achieved prominence at the bar. In civil as well as in public life he has held several positions of trust and honor. He was president of the East Boston Citizens' Trade Association in 1893 and 1894 and of the United Order of the Pilgrim Fathers in 1892, 1893 and 1894. He is a director of the Columbia Trust Company of Boston and of the Boston Young Men's Christian Association; a trustee of Boston University, of the Wildey Savings Bank, of the East Boston Bethel, and of the Bromfield Methodist Episcopal church of Boston, and a member of Baalbec Lodge, F. & A. M. (32d degree), of Zenith Lodge, I. O. O. F., and of the Boston Bar Association.

Mr. Bates was married July 12, 1887, to Clara Elizabeth Smith, daughter of Samuel C. Smith, of Jamestown, N. Y. They have had three children: Lewis Benton, 2d, born July 9, 1889, died December 31, 1891; John Harold, born May 10, 1893; and Dorothy, born October 21, 1895.

FRANCIS DANA, LL.D., Boston, chief justice of the Supreme Judicial Court of Massachusetts at the beginning of the nineteenth century, was the son of Richard Dana, a grandson of Daniel Dana, and a great-grandson of Richard Dana, who settled in Cambridge, Mass., in 1640. His father was born in Cambridge on June 26, 1700, was graduated from Harvard in 1718 and died there May 17, 1772, after being for many years a leader of the bar, practicing in Marblehead, Charlestown, and Boston. On December 17, 1769, he administered to Andrew Oliver, secretary of the province, an oath binding him not to execute the stamp act.

Judge Francis Dana was born in Charlestown, Mass., June 13, 1743, and was graduated from Harvard College in 1762, having among his classmates Hon. Elbridge Gerry, Hon. George Partridge, Andrew Eliot, William Shaw, and others. He read law with his mother's brother, Judge Edmund Trowbridge, then regarded as the ablest lawyer in the province, and was admitted to the bar in 1767. He practiced in Boston, and soon acquired an eminent reputation. Devoting himself, also, at an early period, to the cause of colonial rights and popular freedom, he became an active member of the Sons of Liberty and a prominent Whig, and in 1769 attained distinction as counsel in the famous Lechmere slave case. In 1773 he was associated with John Adams in the prosecution on behalf of the Rhode Island patriots in the matter of the Rome and Moffatt letters, and in September, 1774, he was a delegate from Cambridge to the first Provincial Congress of Massachusetts. In April, 1775, he sailed for England, where his brother Edmund was settled as a minister at Wroxeter, and through him, who was allied by marriage to the Kinnaird and Pulteney families, and by confidential letters on the critical state of colo-

nial feeling from Joseph Warren, Dr. Samuel Cooper, Josiah Quincy, and others, he came in contact with Englishmen of political influence. Returning home he informed Washington in April, 1776, that there was no reason to expect peace from Great Britain.

In May, 1776, he was chosen by the Massachusetts Assembly a member of the Executive Council, which united executive with legislative functions, and by annual re-elections held that office until 1780. In November, 1776, he was elected a delegate from Massachusetts to the Continental Congress and took an active part in framing the articles of confederation. He was again sent to Congress in 1778, and being made chairman of the committee charged with reorganizing the army, remained in the camp at Valley Forge with Joseph Reed, Gouverneur Morris, and his other associates from January to April. In consultation with General Washington he drew up the plan of annual drafts that was submitted to and adopted by Congress. He served with Gouverneur Morris and William H. Drayton on the committee to which Lord North's conciliatory bills were referred in 1778, and on whose report these overtures were unanimously rejected and the intended effect of the British peace commission frustrated. On September 29, 1779, Mr. Dana was appointed secretary of the embassy of John Adams, commissioner to negotiate treaties of peace and commerce with Great Britain. He sailed on November 13 in the French frigate Sensible, landed at Ferrol, Spain, and reached Paris February 9, 1780. When Mr. Adams, in consequence of a diplomatic quarrel with Vergennes, left Paris for Amsterdam on July 27, Mr. Dana remained in the French capital until the commission of Congress (to Mr. Adams, and eventually to himself, to raise loans in Europe) reached him on September 12, when he joined Mr. Adams at Amsterdam. He returned to Paris in December, and on March 15, 1781, received from Congress his commission as minister to the court at St. Petersburg, to which post he had been appointed December 18, 1780. He remained with Adams in Holland from April to July 7, 1781, when he left for St. Petersburg, where he continued for two years, without, however, securing Russian recognition of the independence of the United States.

He left St. Petersburg September 4, 1783, and arrived in Boston in December, and in February, 1784, was elected by the Assembly a delegate to the United States Constitutional Convention. Taking his seat in that body on May 24, he was appointed to represent Massachusetts on the Committee of the States, which was vested with some of the powers of Congress during the recess, and continued in session until August 11. On the 18th of January, 1785, Governor Hancock appointed him an associate justice of the Supreme Judicial Court of Massachusetts, and he remained on the bench until 1806, becoming chief justice of that tribunal November 29, 1791, in place of Chief Justice Nathaniel Peaslee Sargent, who died that year.

In the mean time Judge Dana was called to other positions of trust and honor. On August 29, 1786, he was elected a delegate to the Annapolis convention which fixed the time and place for the Federal convention of 1787 that adopted the Constitution of the United States. He was also elected to the latter body April 9, 1787, but was prevented from attending on account of his judicial duties and ill health, which dated from his residence in St. Petersburg. He was a member of the Massachusetts convention that met in January, 1788, to ratify the Federal Constitution, and with John Hancock, Theophilus Parsons, and others, labored to overcome the opposition and secure the ratification of the Constitution, and aided in obtaining a majority for its adoption on February 6, 1788. After his elevation to the chief justiceship, which he held for fifteen years, he took no active part in political affairs except as presidential elector in 1792 and 1800. On June 5, 1797, President Adams appointed him special envoy to France with Cotesworth Pinckney and John Marshall, but ill health compelled him to decline the honor,

and it went to his classmate, Elbridge Gerry. He resigned the office of chief justice in 1806 and was succeeded by his friend, Theophilus Parsons. He spent the remainder of his life in retirement, dying in Cambridge, Mass., where he had long resided, April 25, 1811.

Judge Dana was a typical representative of the Federal gentry of New England who looked upon themselves as guardians of the people and sought to preserve the distinction of birth and station. He possessed a high sense of honor, an ardent and passionate temperament, and a large fortune consisting chiefly of lands. He was active and energetic, an acute and learned jurist, an austere and dignified magistrate, and remarkable for his nervous and impressive eloquence. After vigorously opposing Jefferson's embargo in public speeches at Cambridge he seldom took part in public discussions. He was one of the founders of the American Academy of Arts and Sciences, and in 1792 received from Harvard College the honorary degree of LL.D. He was the father of Richard Henry Dana, the lawyer and eminent poet; the grandfather of Richard Henry Dana, jr., author and lawyer; and the great-grandfather of Richard Henry Dana, 3d, of the Boston bar, all of whom are noticed in other articles of this work.

RICHARD HENRY DANA, Jr., Boston, born in Cambridge, Mass., August 1, 1815, was descended from Richard Dana, who came to New England as early as 1640. The grandson of this ancestor was a prominent lawyer and an active patriot, though he died before the commencement of the Revolutionary war. In 1737 he married a sister of Edmund Trowbridge, the eminent colonial judge, and they were the parents of Francis Dana, born in 1743, who was a delegate from Massachusetts to the Continental Congresses of 1777, 1779, and 1784, and by it was appointed the first American minister to the court of Russia in 1780. He was appointed an associate justice of the Supreme Court of Massachusetts in 1785, and its chief justice in 1791, and served in that capacity with distinction and honor until 1806, when he was succeeded by Theophilus Parsons, sr. He married, in 1773, Elizabeth, daughter of William Ellery, of Newport, R. I., one of the signers of the Declaration of Independence. Of their seven children, a daughter, Martha Remington Dana, born 1784, married in 1830 Washington Allston. The next Richard Henry Dana, born in 1787, became a noted poet and essayist, and died in his ninety-second year. He married Ruth Charlotte, daughter of John Wilson Smith, of Taunton, Mass. She died in 1822, leaving four children, the eldest being Richard Henry Dana, jr., the subject of this memoir, then less than seven years of age.



RICHARD H. DANA.

Mr. Dana began his education in 1823, first in Cambridgeport; his master being Samuel Barrett. In May, 1824, his health being delicate, he was transferred to Mr. Wright's boarding school at Westford, Mass., where he remained sixteen months. In August, 1825, he was again sent to the grammar school in Cambridgeport, but soon left to enter the private school of Ralph Waldo Emerson in Cambridge.

and after four years that of Mr. Wells. He entered Harvard University in July, 1831, and soon took high rank in his class, but withdrew in his junior year to take a voyage before the mast to California. Sailing from Boston on the brig Pilgrim August 14, 1834, he returned on the ship Alert, arriving September 22, 1836, and soon afterward re-entered Harvard University, from which he was graduated with honors in June, 1837, taking a Bowdoin prize for English prose composition and the first Boylston prize for elocution. He was a member of the Porcellian and Hasty Pudding Clubs. He also, soon after his return, joined the Protestant Episcopal church and remained one of its steadfast communicants until his death, becoming an original member of the Church of the Advent. Immediately after graduating from Harvard Mr. Dana entered the Harvard



RICHARD H. DANA, JR.

(Dane) Law School, then under the direction of Judge Story and Professor Greenleaf, two of the most illustrious men in legal jurisprudence. While pursuing his law studies he was also instructor in elocution in the college from January, 1839, until he resigned and left the law school in February, 1840, when he entered the law office of Charles G. Loring, of Boston. About this time he published, through Harper & Brothers, his book, "Two Years Before the Mast," for which he received $250 and two dozen printed copies. In 1868 he brought out an "Author's Edition" with an additional chapter, "Twenty-four Years Later," and this edition has never been allowed to pass out of print. This book gained for him a European reputation which exceeded his reputation at home, and was the means of securing for him a very pleasant and satisfactory social reception during the London season of 1856. In 1841 he published another work entitled "Seaman's Friend," a practical treatise on seamanship and the laws regulating the ship's company.

Shortly after his admission to the Suffolk bar in July, 1840, he began active practice in Boston, and on August 25, 1841, was married at Hartford, Conn., to Sarah, daughter of William Watson. During the earlier part of his professional career he also lectured in Boston and vicinity with great success. He took an active part in politics, first as a Free Soil Whig and afterward as a Republican, beginning his political life as chairman of a Free Soil meeting in Tremont Temple, Boston, July 7, 1848. He was active in the anti-slavery cause, and at one time seriously retarded his professional advancement by the frequency of his aid and counsel in defense of the sailor and the slave, the poor and the oppressed, who constantly obtained his services. As a result wealthier clients sought other advice, notwithstanding his pronounced personality and recognized legal ability. His connection with the fugitive slave cases of 1853–54 brought him into special prominence and gained for him that high forensic reputation which he maintained with so much skill until his death. He was a great trier of cases, an advocate of uncommon power, and delighted to practice before juries. For a time he was in partnership with his brother, Edmund Dana; later Francis Edward Parker became his partner under the firm name of Dana & Parker, and for many

years they occupied a foremost place at the Boston bar.

In 1848 Mr. Dana was a delegate to the National Whig Convention at Buffalo, and thereafter his political as well as his professional life was a busy one. In 1852 he took up his residence in Cambridge. He represented Manchester in the Massachusetts Constitutional Convention of 1853, and as a member of the committee on Bill of Rights he brought forward, drafted, and carried through the provision giving to every person having a claim against the State a judicial remedy therefor. He also introduced a provision making the *habeas corpus* a writ of right in all cases where the Legislature does not especially vest a discretion in the court. The provision in Chap. 9, Art. 3, requiring a list of voters in all elections and another for future conventions were solely his. He prepared fully one-half of the chapters of the constitution and assisted largely in others. In 1856 he visited Europe, and in 1859 he made a voyage to Cuba, which resulted in the publication of his book, "To Cuba and Back," in that year. On July 20, 1859, he started on a trip around the world, via San Francisco, and returned in September, 1860, greatly benefited in health. April 12, 1861, President Lincoln appointed him United States attorney for the district of Massachusetts, which position he held all through the war and until the work of reconstructing the conquered South was well advanced, resigning in September, 1866. In the celebrated "Prize Cases" of 1863 he made not only the great forensic legal effort of his life, but one of the most powerful and effective arguments ever recorded. In 1865 he was offered a position as judge of the United States District Court of Massachusetts, but he declined the honor, an act which demonstrates his decided preference for the practice of the law. The next year (1866) he published, with much original matter, the eighth edition of Wheaton's "Elements of International Law," out of which grew the famous Lawrence-Wheaton Controversy, decided in Mr. Dana's favor by the master's report (1880). He was a member of the Massachusetts Legislature in 1867 and 1868, and as chairman of the committee on harbors during the former session was largely instrumental in causing the repeal of the old usury laws, making a speech which has often been printed, and which is still a powerful document wherever the repeal of usury laws is under discussion. With William M. Evarts he was also retained by the law department of the National government, in 1867, in the arraignment of Jefferson Davis on the charge of high treason. In 1868 he was chairman of the legislative judiciary committee, and in the same year was nominated by the Republicans as member of congress, but was defeated. In 1870 and 1874 he made other visits to Europe. In May, 1876, he was nominated by President Grant as United States minister to the court of St. James, at London, to succeed Gen. Robert C. Schenck, but the Senate failed to ratify the nomination. He was selected by the State Department in 1877 as one of the counsel of the United States government in the arbitration matters which grew out of the great Geneva award of 1872, and related to fisheries.

Mr. Dana was pre-eminently a lawyer and advocate, and won distinction at the bar by his untiring industry and profound knowledge of the law. His great force of character, his uncommon legal ability, his power for argument, his fine intellectual attainments, and his broad learning were recognized and admired. He was an original member of the Saturday Club of Boston and for many years one of the overseers of Harvard College. His interest in educational, religious, civil, and all public affairs never flagged. In 1878 he gave up the practice of his profession, went to Europe, and, after traveling extensively, died in Rome, Italy, January 6, 1882. His son, Richard Henry Dana, 3d., is now a prominent member of the Boston bar.

RICHARD HENRY DANA, 3d, Boston, is the eldest son of the late Richard Henry Dana, jr., whose memoir appears in this work, and of Sarah Watson, his wife, and was born in Cambridge, Mass., on the 3d of January, 1851. He was educated in the private and public schools of his native city, at St. Paul's School in Concord, N. H., and at Harvard University, graduating from the latter institution in the class of 1874. He



RICHARD H. DANA, 3D.

was stroke of his Freshman crew and for three years stroke of the University crew, and was class orator. He entered the Harvard Law School in 1874 and was graduated with the degree of LL.B. in 1877, and continued his legal studies in Boston in the office of Brooks, Ball & Storey, being admitted to the Suffolk bar in November of the same year. In 1878 he began the active practice of his profession with his father, who was then a recognized leader of the Boston bar. In 1879 he formed a copartnership with H. L. Harding, which continued for some time. Of late years he has practiced alone, principally at chambers, and has also had the management of various large and important trusts.

Mr. Dana went abroad in 1882 to recover from the effects of a serious attack of typhoid fever, and since returning to Boston has devoted much of his spare time from professional duties to the cause of civil service reform, in which he has gained a wide reputation. He was secretary of the Massachusetts Civil Service Reform League, which presented to the Legislature a bill for the reform of the civil service of cities and towns of the Commonwealth. This bill was drawn mainly by Mr. Dana and the novel plan of including laborers within the reform was original with him. He was editor in chief of the Civil Service Record from January, 1889, to June, 1892, when it was consolidated, with the Civil Service Reformer of Baltimore, into the well known periodical, Good Government. In the winter of 1887–88 Mr. Dana drafted a bill for the introduction of the Australian ballot law, which was substantially adopted by the Legislature in 1888 as Chapter 436. He made several important addresses on the working of this law in Massachusetts, notably one before the joint session of the New Hampshire Legislature, and for four successive years opposed various attempts to weaken it. At a conference of civil service reformers in Baltimore on October 5, 1889, he read a paper on the subject of taking postmasters out of politics, the principles of which were embodied in the Lodge bill in Congress. For three years he was actively interested in the introduction into Massachusetts of the Norwegian system of regulating the sale of liquor, and served on several committees of friends of the movement. He also drafted a bill to regulate and compel the accounting of election expenses and worked for its passage in 1891 and 1892. In 1893 he appeared before the Massachusetts Legislature in advocacy of the appointment instead of the election of clerks of the courts, registrars of probate and deeds, and some other non-political officials, and in 1892, 1893, and 1894 he was before the same body in opposition to various forms of double taxation, and published a monograph on that subject entitled "Double Taxation in Massachusetts." (110 pp.).

Mr. Dana has been connected with several philanthropic societies, and as chairman of the committee on organization was active and largely influential in formulating the scheme of work of the Associated Charities of Boston in 1878 and 1879. He has long been deeply interested in ameliorating the condition of the laboring classes, especially in providing them with improved dwellings, and was vice-president of the Improved Dwellings Association, which built in 1888–89 a fine tenement house in South Boston. To the organization of this worthy enterprise and to the plans for building Mr. Dana gave much time and thought. He has made several speeches and published a number of articles on many of the foregoing subjects, particularly on those relating to civil service reform and the ballot laws. He contributed a paper on the "Workings of the Australian Ballot Act in Massachusetts" to the Annals of the American Academy for May, 1892, and another on "An American View of the Irish Question" to the Forum for August, 1892, and on February 20, 1894, delivered a noteworthy address on civil service reforms before the New Harvard Civil Service Reform Association in the Memorial Hall theatre. He was secretary of the Independent Republican Convention which met in New York city February 23, 1884, and in 1890 was elected president of the Boston Young Men's Christian Association, which position he filled with great credit and ability. In December, 1890, he was defeated for mayor of Cambridge, where he resides, and in 1891 he was elected president of the board of trustees of the New England Conservatory of Music, for which he raised $160,000 in 1892, and to whose interests he has given much time and attention. He was also president of the Library Hall Association of Cambridge and a trustee and the treasurer of the Episcopal Theological School. Mr. Dana is an able and talented lawyer, and has achieved eminence in the twofold capacity of counselor and philanthropist. His broad and thorough knowledge of the law, his ability to grasp intuitively the most salient points in the case, his good judgment and sound common sense, and his fine legal attainments and business qualifications are universally recognized and admired. He is one of the best known and most practical civil service reformers in the country, and his work in this connection has gained for him a national reputation. As a citizen he is intensely public spirited, patriotic, and progressive, taking a lively and active interest in all questions which affect the general welfare, and especially in those relating to manhood suffrage, humanitarianism, and the purification of politics.

January 10, 1878, Mr. Dana was married in Cambridge, Mass., to Edith, daughter of the late Henry W. Longfellow, the beloved poet, and of Frances Appleton, his wife. They have six children: Richard Henry, 4th, Henry W. L., Frances A., Allston, Edmund Trowbridge, and Delia Farley.

PELEG SPRAGUE, LL.D., Boston, for twenty-three years judge of the United States District Court for the District of Massachusetts, was the son of Hon. Seth and Deborah (Sampson) Sprague and a descendant of William Sprague, who came from England to Salem, Mass., in 1629, and whose son Samuel, of Marshfield, was the last secretary of the old colony. It is said that his father and mother lived together under one roof for sixty-four years; they had fifteen children, Peleg being the ninth. Seth Sprague was a Whig and later a Jeffersonian Democrat, a justice of the peace and quorum for forty years, a soldier in the Revolution, a member of the Great and General Court of Massachusetts for twenty-seven years, and twice a presidential elector. In his old age he entered zealously into the anti-slavery cause.

Judge Peleg Sprague was born in Duxbury, Mass., April 28, 1793, and received his preliminary education in the free schools of his native town. He fitted for college under Rev.

John Allyn and at the Sandwich Academy, and in 1808 entered Harvard University, from which he was graduated in 1812. He was a member of almost all of the respectable college clubs and associations and stood high in his studies, notwithstanding the fact that in his sophomore year he contracted an affection of the eyes which seriously interfered with his work, and which caused him more or less



PELEG SPRAGUE.

trouble during the remainder of his life. Among his classmates were Franklin Dexter, James Henry Duncan, Charles Greely Loring, William T. Andrews, all distinguished lawpers; Rev. Jonathan M. Wainwright and Rev. Henry Ware, clergymen; and George Bartlett Doane, John Homans, George W. Heard, and Abel L. Peirson, eminent physicians. Of the forty-three members of his class none achieved greater distinction than Mr. Sprague. He received the degree of A. M. from his alma mater in 1815, and also the highest honors in oratory.

After graduation he took up the study of law, first with Judge Joshua Thomas at Plymouth, then at the law school in Litchfield, Conn., and subsequently under Judges Reeve and Gould and Gov. Levi Lincoln in Worcester and Samuel Hubbard in Boston. He was admitted to the Plymouth county bar in August, 1815, and the same year established himself in practice in Augusta, Me., then a part of Massachusetts. In March, 1817, he removed to Hallowell, and after the State of Maine was organized in 1820 he was sent as a representative from that town to the first Legislature. He was returned in 1821, and declined a third election and also the candidacy for State senator. He was next appointed to the State offices of district-attorney and judge advocate, but soon resigned both of them. In the fall of 1824 he was elected to Congress from the Kennebec district, and was re-elected in 1826 and 1828, but did not take his seat on the last election, the State Legislature having chosen him United States senator in the winter of 1828–29. In the House he was a member of the committee on ways and means, and as such introduced the tonnage bill, which became a law in 1829. His speeches upon the Massachusetts militia claims, the Revolutionary officers bill, the Panama mission, and numerous other important matters brought him into national prominence. He took his seat in the United States Senate March 4, 1829, and in that body achieved special distinction by following Webster's celebrated reply to Hayne with a memorable speech upon Foote's resolutions limiting the sale of public lands.

In January, 1835, Mr. Sprague resigned the United States senatorship and removed from Maine to Boston, where he continued in the active practice of his profession until the winter of 1840–41, when ill health compelled him to seek rest and recreation in Florida. Soon after his return in 1841 he was offered the chair of ethics and moral philosophy in Harvard College and a professorship in the Harvard Law School, and was also urged to stand as a candidate for Congress from Boston, but he declined these honors. In that year, however, President Harrison appointed him judge of the United States District Court for the District of Massachusetts to succeed Judge John Davis, resigned, and he remained on that

bench for nearly twenty-three years, resigning on account of impaired health in March, 1865. His duties in that capacity were rendered specially arduous by the novel cases, in the latter part of his service, arising from the war of the Rebellion, yet he performed them all with distinguished ability and courage, though at the time suffering from his old affection of the eyes. During the last twenty years of his judicial term he did not read a line. Volume one of his Decisions in Admiralty and Maritime Cases was published in 1861 and a second volume appeared in 1868, but the greater part of the cases that came before him were never reported.

Judge Sprague was an eminent statesman, an eloquent and successful advocate, a learned lawyer, and an impartial jurist. He was a man of rare intellectual ability, of broad culture, and of great force of character. He always took an active interest in public matters until he was obliged to remain in a darkened room on account of his eyesight, and during a long and eminent career exercised a strong influence in State and National affairs. In 1840 he was a delegate to the Harrisburg Convention which nominated William Henry Harrison for president and John Tyler for vice-president, and in 1841, as elector at large for Massachusetts, cast his vote for them. He delivered numerous addresses and public speeches, notably one before the Phi Beta Kappa Society of Bowdoin College in September, 1829, and a volume of them were published in 1858. In 1847 he received the honorary degree of LL.D. from Harvard College. He died in Boston on the 30th of October, 1880.

Judge Sprague was married in August, 1818, to Sarah, daughter of Moses and Sarah Deming, of Whitesboro, N. Y. She was born February 17, 1794, and being left an orphan at an early age was reared in the family of Gen. Joseph Kirkland, an eminent lawyer of Utica. They had three sons and a daughter. One son, Seth Edward Sprague, born April 12, 1821, was graduated from Harvard College in 1841 and from the Harvard Law School in 1844, and while a student became clerk of the United States District Court, a position he held until shortly before his death, which occurred June 26, 1869.

GEORGE FREDERICK FARLEY, Groton and Boston, for many years the recognized leader of the Middlesex bar, was the grandson of Lieutenant Samuel Farley, one of the early settlers of Hollis, N. H., who was married in October, 1744, to Hannah Brown. Benjamin Farley, youngest son of Lieutenant Samuel Farley and Hannah (Brown) Farley) was married June 18, 1780, to Lucy Fletcher. George F. Farley, the seventh in the family of nine children of Benjamin and Lucy (Fletcher,



GEORGE F. FARLEY.
Taken at the age of forty-eight.

Farley, was born April 5, 1793, while his mother was visiting her father's home in Dunstable, Mass. He fitted for college at Westford Academy and was graduated from Harvard in 1816, a member of the Phi Beta Kappa, in the class with Samuel Dana Bell, John J. Devereux, Rev. Henry J. Ripley, Joseph Willard, Oliver W. B. Peabody, John W. Proctor, and others. On leaving college Mr. Farley en-

tered the law office of his brother, Hon. Benjamin Mark Farley, then of Hollis, N. H., and afterward of Groton and Boston, Mass. He also read law in Groton with Hon. Luther Lawrence, and upon his admission to the bar in Middlesex county in June, 1820, established himself in practice at New Ipswich, N. H., where he remained until 1832. He then removed to Groton, Mass., where he lived until his death, which occurred November 8, 1855.

Mr. Farley's professional career was a brilliant one, and is still remembered by many of the older lawyers. He measured lances with some of the ablest and most experienced advocates of the New Hampshire and Massachusetts bars, never fearing to encounter them, and in all his contests winning more victories than defeats. Sound in his law, clearly comprehending always the points of his case, forcible and clear in his presentation of facts to the jury, adroit in the examination of witnesses, keen in his ridicule of either witness or opposing counsel, his arguments were well-nigh irresistible. As a lawyer his legal instincts were unerring, and his use of precedents was rather to confirm and fortify than to frame and construct an opinion. Hon. John Appleton, formerly chief justice of the Supreme Court of Maine, who was the first law student in Mr. Farley's office in New Ipswich, and who always enjoyed his friendship, said of him:

"He was an intellectual giant. He was one of the foremost men at the bar of New England. It was in the logic of his argument that he was strong. Grant his premises, and the conclusion followed necessarily and irresistibly. He made precedents rather than followed them. His logical powers were superior to those of any man I ever met. As a student in his office I was on quite intimate terms with him. I think if I have acquired any reputation, it is due in no slight degree to the advice and instruction I received from him."

Daniel Webster said of him: "I knew him well—we have measured lances together. He is a very great lawyer."

Hon. Peleg W. Chandler, of Boston, said: "Farley was a very great lawyer. I never knew his superior as a logician; nor his equal, except in Jeremiah Mason." From Hon. Josiah G. Abbott came this tribute: "He was among the ablest and strongest men I ever knew. He was not merely a lawyer and nothing else. Not only was he a good classical scholar, especially keeping bright his knowledge of Latin writers, but he was a most discriminating admirer of the best English literature. He had studied the law thoroughly and made himself master of all its great principles and rules. But through his whole life he passed no considerable time in looking up cases and authority. To bring him up to the full measure of his powers it required a cause of importance or one having some features which thoroughly interested him. I never knew any man who was a more perfect master of logic than Mr. Farley. At his best, it was difficult to find any weakness in his chain of reasoning. Mr. Farley conducted trials and made arguments that showed he possessed more logic, more reasoning power, more mind, than is shown in many of the books that live for centuries or than was ever shown by many of the statesmen whose names have gone into history."

Although Mr. Farley tried causes all over the Commonwealth and in New Hampshire, it was with the courts of Old Middlesex, Suffolk, and Worcester, where he won so many forensic victories, that his fame as an advocate is most intimately associated. In Middlesex he was easily and always the leader of the bar.

He inherited a strong constitution and always enjoyed vigorous health. He had no disposition to enter into political life nor any ambition for its laurels, but gave his sole and undivided attention to the law, which he loved, and which was the proper arena for the exercise and display of his marvelous powers. He met and contested causes with such eminent men as Webster, Mason and Dexter, and al-

ways held his own, thus achieving for himself that eminence which entitled him to rank with them. Removing from New Hampshire to Massachusetts he quickly discovered by his retainer in causes of magnitude in Middlesex, Worcester, Essex, and Suffolk counties that his fame as a lawyer and advocate had preceded him. One of these was the famous "convent case," where a large number of men had been indicted for the alleged burning of a convent. Samuel Mann was his junior counsel. Mr. Farley successfully defended all the defendants with consummate skill and ability. The Lady Superior, a witness for the government, refused to remove from her face a thick black veil when she was called to the witness stand to testify, but Mr. Farley argued the point and upon his objection the court compelled her to take it off. Mr. Farley also had several noted criminal cases, in one of which his client was indicted for the murder of his wife by poison. The case was tried at Keene, N. H., after he had removed to Groton. Professor Webster, who analyzed the contents of the woman's stomach, testified as witness for the government, and Mr. Farley, on cross-examination, developed the fact that Webster had used poisons as tests in his analysis, and suggested the fact that undoubtedly the poison came into the stomach in that way. This cross-examination was merciless, astute, masterful, and triumphant, and won a verdict for his client the prisoner. A writer whose acquaintance with Mr. Farley dates from 1848 speaks of a protracted trial in which that eloquent and polished lawyer, Tolman Willey, of Boston, was the opposing counsel. He turned Mr. Willey's oratory into a weakness by stating to the jury that he was a greater orator than Demosthenes and Cicero, "for I believe that tradition says that even Demosthenes and Cicero had sometimes a slight hesitation in speech." In one notable case tried against the Vermont & Massachusetts Railroad, in which the late Judge Benjamin R. Curtis was counsel for the company and Mr. Farley for the plaintiff, he most conspicuously exhibited his ready sagacity and tact. Some handsome plans had been introduced as evidence in the case by Judge Curtis. Mr. Farley discarded these beautiful pictures in his argument to the jury, and with a piece of chalk drew a diagram of the place of the accident upon the floor, and so ingeniously employed it that, to use the words of Rev. Thomas Whittemore, the president of the railroad company: "Mr. Farley chalked us out of the case." Mr. Whittemore at once gave him a general retainer as counsel for his road.

Mr. Farley's great and sure reliance was upon himself. In the consideration of questions of law he made his own paths in the practice of his profession and did not seek or walk in the ways furnished by other minds in the published reports. He possessed an original creative legal mind. Firmly grounded in the principles of the common law, he applied those principles to the various cases as they arose, and it is but simple justice to his memory to say, upon the testimony of able contemporary jurists who knew him well, in weighing his character, attainments, fame, and success as a lawyer and advocate, that he had no superiors and few equals at the bar of New England.

Mr. Farley was married November 25, 1823, to Lucy, daughter of John and Lucy Rice of Ashby, Mass., and at his death left three children: George Frederick Farley, a Boston merchant since deceased; Sarah E. Farley of Groton; and Mary, wife of Edward Albert Kelly, a prominent member of the Suffolk bar.

EDWARD ALBERT KELLY, M. A., Boston, achieved special distinction at the Suffolk bar, and at the time of his retirement from active practice about 1884 was regarded as one of its leading members. He is descended on both sides from some of the oldest New England families, his original American ancestor, John Kelly, coming to Newbury, Mass., in 1635, probably from Newbury in England.

The family to which this John Kelly belonged is supposed to have sprung from the ancient Devonshire branch, which either derived its name from the district of "Kelly" in that county or gave it the name it has borne for over three hundred years. This John received a grant of land in Newbury in 1639, and died there on the 28th of December, 1644. John Kelly (2), son of the first John, was born July 2, 1642, in Newbury, and died in what is now West Newbury, Mass., March 21, 1718. He was twice married, first on May 25, 1664, to Sarah, daughter of Richard Knight, and second on March 15, 1716, to Lydia Ames, of Bradford, Mass. John Kelly (3), son of John (2) and Sarah (Knight) Kelly, was born June 18, 1668, in West Newbury, and died there November 29, 1735, leaving a large estate. He was married November 16, 1696, to Elizabeth Emery. John Kelly (4), eldest son of the last named John, was born in West Newbury on October 9, 1697, removed to Atkinson, N. H., and died there April 27, 1783. December 31, 1723, he married Hannah Somes, of Gloucester, Mass. Moses Kelly (5), son of John (4), was born March 15, 1739, in West Newbury, went with his parents to Atkinson, N. H., removed thence to Goffstown, N. H., and before 1810 settled in Hopkinton, N. H., where he died August 2, 1826. He commanded the Ninth New Hampshire Regiment of Militia in the Revolutionary war and for thirty years served as high sheriff of Hillsborough county. November 10, 1757, he married Lydia, daughter of Dr. William and Lydia (Webster) Sawyer, of West Newbury, Mass., and a granddaughter on her mother's side of Israel Webster, a near relative of Daniel Webster's father, Ebenezer. Israel Webster Kelly (6), son of Moses, was born in Goffstown, N. H., January 4, 1778, removed to Concord, N. H., in 1841, and died there March 10, 1857. He was high sheriff of the county of Merrimac from 1814 to 1819, United States marshal of the district of New Hampshire during the administration of President Harrison and Tyler, and pension agent in that State under Taylor and Fillmore. About 1800 he married Rebecca, daughter of Rev. Elijah Fletcher, of Hopkinton, N. H., and sister of Grace Fletcher, the first wife of Daniel Webster. Albert Livingston Kelly (7), son of Israel Webster and Rebecca (Fletcher) Kelly, was born in Bristol, N. H., August 17, 1802, and was graduated from Dartmouth College in 1821. He read law in the office of Stephen Longfellow, of Portland, Me., was admitted to the Cumberland county bar in that State in 1825, and on the Fourth of July of the same year, at the age of twenty-three, delivered by appointment the annual oration before the municipal authorities of Portland. About the same time he was appointed, on the recommendation of Daniel Webster, agent of the "Ten Proprietors' Tract" in Eastern Maine, owned by William Prescott, David Sears, and Israel Thorndike, of Boston, and in the latter part of 1825 he established his residence and office in Frankfort, Me., where he died August 18, 1885. He was an extensive reader, a fine writer, an able and eloquent public speaker, a wise and sagacious counselor, and an accomplished gentleman, and attained high rank in his profession. He was married February 18, 1829, to Caroline, daughter of Waldo Peirce of Frankfort, Me., and niece of the late Silas Peirce (brother of Waldo), founder of the well-known house of Silas Peirce & Co., of Boston. Waldo Peirce was a native of Scituate, Mass.

Edward Albert Kelly, son of Albert Livingston and Caroline (Peirce) Kelly, was born in that part of Frankfort that is now Winterport, Me., May 30, 1831. He is thus descended in the eighth generation from John Kelly, of Newbury, and through a long line of ancestors inherited those fine mental attainments which have served him well in professional life. He received his education in his native State, attending successively Lieutenant Whitney's Military School at Ellsworth, Foxcroft Academy, and North Yarmouth Classical Academy, and entering Bowdoin College in 1846, when but fifteen years of age. He remained at the latter institution until the mid-

dle of his junior year. In 1851 he became a student in the law office of George Frederick Farley, of Groton, Mass., whose memoir appears in this work, and in 1853 he was admitted to the Suffolk bar at Boston. He continued with Mr. Farley as his partner until the latter's death in 1855 and afterward practiced alone in Groton until 1861, succeeding to the large and successful business of Farley



EDWARD A. KELLY.

& Kelly. Since then he has resided and maintained his office in Boston. Mr. Kelly won a high position at the Middlesex and Suffolk bars, and the many important cases intrusted to his care show the confidence reposed in his skill and ability. He appeared in court even before he was admitted to practice, being retained as counsel with his partner, Mr. Farley, for Pliny H. Babbitt, a deputy sheriff of Worcester county, who had been indicted as accessory before the fact to a burglary in Barre, Mass. Hon. John H. Clifford, then attorney-general and afterward governor, appeared for the Commonwealth, and in his address to the jury complimented the argument of his young opponent.

In 1866 Mr. Kelly was counsel for Hon. Charles Robinson, formerly governor of Kansas, in an action of contract brought by Joseph Lyman, of Boston, as treasurer of the Kansas Land Trust, on several promissory notes aggregating $15,000. The trial by jury being waived the case was argued in the Supreme Judicial Court at the November term, 1866, the late Sidney Bartlett and Caleb William Loring appearing for the plaintiff. Mr. Kelly's argument was highly commended by the bench and bar, and resulted in a decision in his favor. In 1873 he was counsel for the Massachusetts National Bank of Boston in an action of contract brought by Nathan Matthews, sr., to recover $25,000 on a forged certificate of stock of the Boston and Albany Railroad. Later he appeared before the Supreme Judicial Court as counsel in a case of special interest entitled the Commonwealth v. the Lancaster Savings Bank. By a court decree in December, 1876, the bank was placed in the hands of receivers, and in May, 1877, a tax was levied on the bank under the law authorizing a tax on savings banks. As the attorney of the bank he advised that the tax was illegal. Charles R. Train, then attorney-general, advised that it was legal and the suit was brought. On an argument of the case before the court at Taunton in October, 1877, an opinion was rendered in January, 1878, sustaining Mr. Kelly's claim, the substance being that a tax on savings banks was a tax upon the privilege of doing business.

Mr. Kelly carried on a constantly increasing general practice until about 1884, when he relinquished it for the care of his own private interests and of others placed confidingly in his hands, which continue to occupy his attention. During the last fifteen years he has indulged to a considerable extent in literary tastes, which he acquired at an early age. He has contributed to magazines and newspapers frequent articles which are marked for pure English, clearness of statement, and thoroughness of research. While Horace P. Chandler, son of Peleg W., was editor of Every Other Saturday he wrote many able articles for its columns, one of them being "Advice to Young

Lawyers," which should be carefully studied by every young man entering the profession. He enforces the necessity of a thorough and exhaustive preparation of a cause for trial and absolute self-reliance in total disregard of an apparent adverse opinion by the sitting judge, and cites the first appearance in court of Sergeant S. Prentiss as an illustration of the lesson. "The incident occurred in Brandon. Mr. Prentiss was a slight made, beardless boy, extremely youthful in appearance, and a stranger to all in court. When his case was called he promptly responded and stated that his case stood on demurrer to some part of the proceedings, which he desired to argue. The judge with some abruptness told him that he did not wish to hear the argument as he had made up his mind adversely to his side of the case. Mr. Prentiss insisted, however, on the constitutional right of his client to be heard, and went on with an argument which astonished both the judge and the bar. The judge was convinced of his error and decided for Mr. Prentiss."

Mr. Kelly is not only an able lawyer and a finished writer, but a fluent and graceful speaker, and has often been called upon for historic and other addresses. Mr. Joseph A. Willard, the veteran clerk of the Superior Court, in writing of Mr. Kelly, characterized him as a model lawyer and natural gentleman. Mr. Kelly's writings and speeches on historical, political, and general subjects have won for him a high reputation. He is independent both in thought and action as well as in politics, and has avoided the shackles of party, and all entangling alliances. During the Hayes-Tilden controversy he published, among other influential communications, a strong article in the Boston Daily Advertiser on "It is the First Step that Costs," which excited much favorable comment. He is an honest and fearless adviser and a just and chivalrous adversary, and to him are specially applicable the immortal words of Chapman:

> "Who to himself is law—no law doth need,
> Offends no law—and is a King indeed."

Mr. Kelly was elected a trustee of Lawrence Academy at Groton to succeed George Frederick Farley, deceased, in 1855. He is also a corresponding member of the Maine Historical Society and a foundation member (in 1876) of the Boston Bar Association. He was an intimate friend of the late Josiah G. Abbott and Peleg W. Chandler, and received from Bowdoin College the honorary degree of M. A. He was married at Groton, Mass., November 15, 1854, to Mary Adams, daughter of George Frederick and Lucy (Rice) Farley. They have one daughter, Elizabeth Farley Kelly.

ROBERT DICKSON SMITH, of Boston, the eldest child and only son of Dr. John De Wolfe and Judith Wells (Smith) Smith, was born at Brandon, Miss., April 23, 1838, and died in Boston, May 30, 1888. His father, Dr. Smith, was born at Maitland, Nova Scotia, in the year 1810, and was the son of Isaac and Eliza (De Wolfe) Smith. His mother was born at Hallowell, Maine, and was the daughter of Joseph Sidney Smith, who had gone there from Sandwich, Mass., and was a grandson of Dr. Thomas Smith, of Sandwich, one of the judges of the Court of Common Pleas for Barnstable county, both before and after the Revolution, and a member of the Massachusetts Constitutional Convention of 1789.

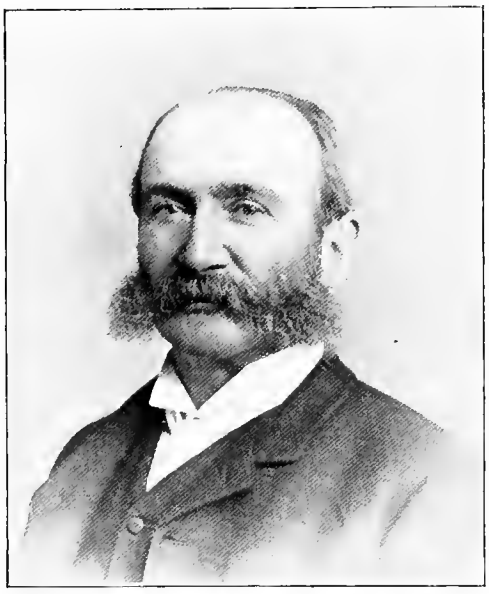
Though Robert D. Smith's father was a native of Nova Scotia, and though he himself was born in Mississippi, Mr. Smith was essentially a New Englander. Seven of his eight great-grandparents were of pure New England stock, and he was brought up in Maine. Through his mother he was related to the Hinkleys, Cushings, Chipmans, Williamses, Buckminsters, and other well-known families of Massachusetts, and to the Greeleys and Batchelders of New Hampshire, his great-grandmother Batchelder being a cousin of Daniel Webster. His paternal grandmother, Eliza De Wolfe, was a daughter of Edward De Wolfe, of Hor-

ton, N. S., who came from the Connecticut family of that name, and who married a Miss Brown, of Charlestown, Mass. And even his great-grandfather, William Smith, of Douglas, Nova Scotia, married a New England girl.

The William Smith just mentioned was born in Ireland in the year 1750, and emigrated from the County Tipperary to Nova Scotia with his father when about twenty years of age. So far, however, as race and character are concerned, he differed little from the New Englanders of a century or more ago. He was a Protestant and the great-grandson of a soldier who went from England to Ireland with Cromwell's army in 1649, and like so many other Cromwellians settled there on lands taken from the Irish. This William Smith worked a large farm in Douglas and was a government surveyor, justice of the peace, and colonel of militia. Two of his sons were members of the Nova Scotia parliament.

Mr. Smith's father, Dr. John De Wolfe Smith, moved, when a boy, with his father and mother to Thomaston, Maine. A few years later he entered the Bowdoin Medical School at Brunswick, where he received the degree of M. D. He also studied medicine with a physician in Hallowell, where he met the Miss Smith whom he afterward married and took with him to Brandon, Miss., where his son was born. At Brandon he practiced his profession, was cashier of a bank, and served as mayor of the city. His connection with the bank afforded opportunities for speculation, of which he availed himself, and in a few years he acquired a moderate fortune. His health being delicate, he returned with his wife to Maine and settled at Hallowell, where the subject of this memoir passed the greater part of his childhood and fitted for college. It was in Hallowell that an intimacy sprang up between Dr. and Mrs. Smith and the late Henry W. Paine and his wife—Mr. Paine was then a leading lawyer at the Kennebec bar—which afterwards exerted a most important influence on Mr. Smith's career.

Mr. Smith entered Harvard College with the class of 1857, which has furnished the rolls of the Boston bar with an extraordinary number of distinguished names. Among his classmates were Solomon Lincoln, James J. Storrow, Robert M. Morse, John D. Long, John C. Ropes, Charles F. Walcott, J. Lewis Stackpole, Samuel Wells, all of the Boston bar, and Franklin Haven, A. J. C. Sowden, Francis Henry Brown, M. D., of Boston, and the Rev.



ROBERT D. SMITH.

Joseph May, of Philadelphia. Of this class Mr. Smith was one of the youngest members. He was graduated at the age of nineteen, taking high rank in his class, and becoming a member of the Phi Beta Kappa society. He subsequently took an A. M. in course.

During the long winter vacation of his sophomore year Mr. Smith taught the Deerfield (Mass.) Academy; and after graduation he also taught for a time in the preparatory school conducted by Professors Lane and Lovering, in Cambridge. His experience as a teacher, though short, must have served to impress upon his strong memory such knowledge of the classics as he had acquired in college. He certainly preserved that knowledge in a state of unusual freshness throughout his life.

About the time Mr. Smith entered college Henry W. Paine was preparing to leave Hallowell and begin in Boston at the age of forty-four the brilliant career which at once opened to him there. Dr. and Mrs. Smith came to Cambridge to live there while their son was in college. With them came Mrs. Paine and her daughter. In 1854 Mr. Paine, who had remained in Hallowell to close up his business, joined them, and until 1857 both families lived together in Cambridge, occupying the same house. After Mr. Smith graduated his father and mother returned to Hallowell, while he continued to live in Mr. Paine's family until his marriage in 1863.

Having chosen the law as his profession, he began the study of it in Mr. Paine's office, and was admitted to the Suffolk bar in 1858. He also studied at the Harvard Law School and took the degree of LL.B. in 1860. From 1860, when he began the practice of law, until 1882, he was closely associated with Mr. Paine, though never as his partner. Mr. Smith's aptitude for the law was so unusual that he could not have failed to take a leading place in the profession had he started alone. But his connection with Mr. Paine threw him immediately into a large business so that his capacity was recognized at an age when most young lawyers have had no opportunities to show whether they have capacity or not. His practice increased rapidly and soon other lawyers, frequently men considerably older than he, began to employ him as senior counsel. In his later years much the greater part of his business came to him in this way through other members of the bar.

In 1882 the long association which had existed between Mr. Paine and Mr. Smith was terminated by the former. Mr. Paine's mind had for some years been failing, but the separation was nevertheless a source of grief and mortification to Mr. Smith. Having to find new offices, he was urged by the late Sidney Bartlett to take offices adjoining his, at 13 Exchange street. This Mr. Smith did, and there with his brother-in-law, Melville M. Weston, he continued in active practice until his death. During these last years of his life Mr. Bartlett and he were associated in the conduct of a number of important causes. Mr. Bartlett, the acknowledged leader of the bar, was wont to predict that his mantle would fall on Mr. Smith's shoulders. Mr. Smith, however, died nearly a year before Mr. Bartlett, though the latter was forty years his senior. It is difficult for people who know what a high position in the profession Mr. Smith attained to believe that he was only fifty years old when he died, with fifteen or twenty of what are usually the ripest and best years of a lawyer's life still before him.

It would be impossible to describe the qualities to which he owed his success. He combined extraordinary ingenuity and fertility with perfect candor and sincerity. He was courageous and on proper occasions high tempered, yet always gentle and sympathetic. In presenting the evidence of his own witnesses in a clear, picturesque, and telling manner, he had few equals. And the vigor and interest with which he threw himself into the study of a question of law, and the lucidity and fairmindedness with which he presented his arguments, always commanded the best attention of the courts. Any description of him which failed to mention his wit, his humor, his fund of anecdotes, and his powers of repartee would be very incomplete. These charmed all who approached him, and lighted up all the waste and dreary places which men encounter in the practice of the law.

His ready sympathies, his capacity to receive as well as to give pleasure in the society of others, not only made him a great favorite wherever he went, but won for him a degree of affection from his brother lawyers, and from all the different classes of men with whom his active life brought him into contact, such as is given to very few.

At the meeting of the Bar Association of the city of Boston shortly after his death the following appreciative and expressive resolution was adopted:

"Without fear and without reproach in his office as counselor of the court, he enjoyed, as we are proud to believe, its unreserved confidence and respect. To a full and exact knowledge of the law, and a singular mental aptitude for its practice, he joined generous scholarship and broad literary culture, so that his advocacy was marked by dignity and grace, as well as by intelligence, precision, and vigor. Of the strictest integrity and most delicate sense of honor, he was uniformly courteous, generous and kindly in his dealings with his brethren, so that association with him at the bar tended always to maintain the best standard of honor among gentlemen of our profession."

Mr. Smith's life was devoted to his profession. He held but one political office, that of representative to the lower house of the Legislature in 1876. He declined a nomination to Congress and appointments at different times as associate justice of the Massachusetts Superior and Supreme Judicial Courts. In 1880 he delivered the Fourth of July oration before the city authorities of Boston, his subject being "Samuel Adams." He was an overseer of Harvard College from 1878 until his death. He contributed a number of papers and reviews to law publications and the daily press. In 1863 he moved from Cambridge to Newton, Mass., and after 1868 he resided in Boston. He was a member of the Union, Century, and Wednesday Evening Clubs and of various other organizations.

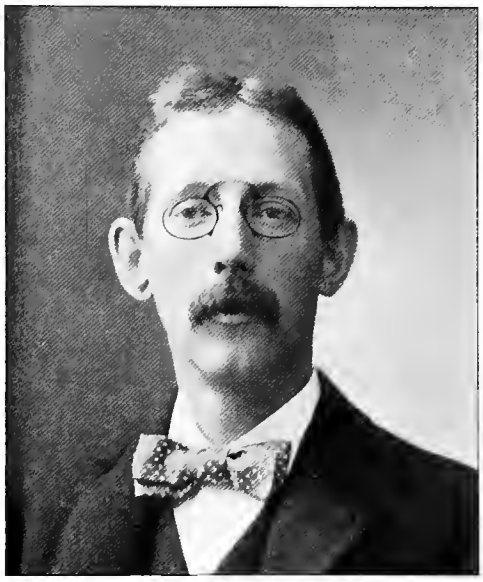
Mr. Smith married in July, 1863, Paulina Cony Weston, daughter of the late George Melville Weston, editor of the Washington (D. C.) Republican, secretary of the United States Monetary Commission, librarian of the United States Senate, and author of several books on money and finance. He was a son of Nathan Weston, LL.D., of Augusta, Me., one of the first associate justices of the Supreme Court of Maine, and for seven years its chief justice. Chief Justice Weston was a first cousin of George Bancroft, the historian, and grandfather of Melville Weston Fuller, the present chief justice of the Supreme Court of the United States. Paulina Cony (Weston) Smith's mother was Ruth Roberts. Mr. Smith's wife survives him. Their children were Robert Dickson Weston-Smith, whose sketch appears in this work; Alice Weston Smith, born November 10, 1868; Melville Weston Smith, born May 24, 1870, died April 14, 1880; and Paulina Cony Smith, born August 8, 1873.

ROBERT DICKSON WESTON-SMITH, of Cambridge and Boston, is the eldest son of the late Robert Dickson Smith, whose memoir appears in this work, and of Paulina Cony Weston, his wife, and was born in Newton, Mass., May 8, 1864. In the fall of 1868 his father moved to Boston, where he lived until his marriage in 1888. In 1886 he assumed the name Weston as a prefix surname.

Mr. Weston-Smith prepared for college at the Boston Latin School and in the private school of John P. Hopkinson, and was graduated from Harvard College, taking his A. B. degree *cum laude* in 1886. While in college he was a member of the Delta Kappa Epsilon and Alpha Delta Phi fraternities, of the Institute of 1770, the Hasty Pudding Club, and the O. K. Society, and took an active part in athletics, being successively secretary, treasurer, and president of the Harvard Athletic Association and in his senior year captain of the University track athletic team. In the autumn of 1886 he entered the Harvard Law School, where he remained a year and a half. During a portion of this time he also studied in his father's office, from which he was admitted to the Suffolk bar in February, 1888. He began practice with his father, arguing with him one case before the full bench of the Supreme Judicial Court shortly before the latter's death in the spring of that year. Afterward he enjoyed the privilege of working with Sidney Bartlett in several cases, and later was assistant counsel for the New York and New

England Railroad Company for a period of about eighteen months. Since then he has practiced alone, being closely associated, however, with his uncle, Melville M. Weston, and having offices with him at 53 State street.

Mr. Weston-Smith has not taken up any special branch of the law, but his practice is general and includes both court and office business. As Mr. Bartlett's junior he made the opening argument in the case of Frederick O. Prince et al. vs. the City of Boston, brought to test the constitutionality of the police act. He was counsel for the defendant in the case of Daniels vs. New York and New England Railroad Company, the first "turntable" case in the Massachusetts Reports; and as counsel for the plaintiff he argued against the late Judge Hoar the case of Aylward vs. O'Brien, brought against Father O'Brien, of East Cambridge, for the purpose of testing the plaintiff's title to a pew in St. John's Roman Catholic church, and Mr. Justice Allen, who delivered the opinion of the court in the recent case of Loring vs. Whitney (167 Mass.), took occasion to speak in high terms of Mr. Weston-Smith's brief for the defendant. These and other cases have given Mr. Weston-Smith considerable reputation as a lawyer and have won for him a good position at the junior bar. He has been a Democrat in politics, and while a student in the Harvard Law School was a candidate from Ward 11, Boston, for member of the Legislature, and afterward was nominated for State Senator from the Fourth Middlesex district. In 1893 he was admitted to practice before the Supreme Court of the United States and later to the United States Circuit Court at Boston. He is a member of the Boston and American Bar Associations, of the Union Club of Boston, of the Massachusetts Reform Club, of the Young Men's Democratic Club, and of the New England Free Trade League.



ROBERT D. WESTON-SMITH.

Mr. Weston-Smith married in Cambridge on the 4th of October, 1888, Anstiss Walcott, daughter of the late Charles F. Walcott, a graduate of Harvard in the famous class of 1857, a distinguished soldier of the war of the Rebellion, and a prominent lawyer of Boston. She is a granddaughter of Dr. Morrill Wyman, of Cambridge. They have lived in Cambridge since their marriage and have four children; Robert, Charles, Melville, and Anstiss Weston-Smith.

THEOPHILUS PARSONS CHANDLER, A. M., Boston, was a lineal descendant in the seventh generation of Edmund Chandler, who came from England to Duxbury, Mass., in 1633, and who served as representative in 1639, 1643 and 1645. Four generations of his ancestors lived at Duxbury, until 1762, when Peleg, the great-great-grandson of Edmund, removed to New Gloucester, Me., where he acquired a large tract of land at what became the Lower Corner village, and where he lived to a great age. He was a prominent man in the new district, serving as coroner by appointment of Governor Hutchinson, and in 1784 as representative to the General Court of Massachusetts Bay, of which Maine was then a part. His son, Peleg Chandler, jr., born in

New Gloucester, Me., September 9, 1773, was graduated from Brown University in 1795, and studied and practiced law in his native town until 1826, when he removed to Bangor, Me., where he continued in active practice till his death, January 18, 1847. He married Esther, daughter of Col. Isaac Parsons, of New Gloucester, a Revolutionary soldier, a representative in 1783 and 1785, and an uncle of Theophilus Parsons, chief justice of Massachusetts from 1806 to 1813. She died in Brookline, Mass., February 10, 1865, in her ninety-first year. They were the parents of ten children, of whom the three sons living to maturity were Charles Parsons Chandler, a lawyer of Foxcroft, Me., who was a State senator in 1857 and died in that year; Theophilus Parsons Chandler, the subject of this memoir; and Peleg Whitman Chandler, LL.D., an eminent lawyer and city solicitor of Boston, who died May 28, 1889.

Theophilus Parsons Chandler was born in New Gloucester, Me., October 13, 1807, and was named for his maternal cousin, Chief Justice Theophilus Parsons, of Massachusetts. He was educated in the public and private schools of his native town, read law with his father, and in Gardiner, Me., with Frederick Allen, and was admitted to practice in Kennebec county, Me., August 13, 1829. On the 8th of October of that year he opened an office in Bangor, Me., but on November 19 he returned to Gardiner, where he practiced until November 4, 1831, when he again went to Bangor. He remained in Banger in full practice until the summer of 1836, when he removed his office to Boston, Mass., where he successfully followed his profession for more than forty years. During more than fifteen years of this period he occupied offices with Gov. John A. Andrew, with whom he was at one time a partner, and with whom he enjoyed a lifelong friendship. Among others with whom he was connected by a strong attachment and by relations of a confidential character were William Pitt Fessenden, Charles Sumner and Salmon P. Chase, all of whom often sought by an interchange of views to guide and fortify their political courses by the aid of his counsel and advice. The heroic integrity of Fessenden, the fearless expressions of anti-slavery sentiments of Sumner, and the masterly ability of Chase as a financial minister received from him unstinted words of praise and an incentive to still higher and better efforts. At one time Sumner says to him:



THEOPHILUS P. CHANDLER.

"Cheerfully and often I read all that you write. If I do not acknowledge it at once, it is because I am absorbed in other things. Pray write me always. You always go right to the point and I understand you." And again: "You are in favor of free banking. Will you put the argument on paper? You always state a case clearly and strongly. Let us have the benefit of your way of stating the case." Nor did Mr. Chase, full of resources as he was, hesitate to ask for suggestions from Mr. Chandler which might aid him in formulating the system of finance, including national banks, that made the suppression of the Rebellion possible.

Mr. Chandler's preference was for equity principles and practice, and he was actively engaged in important cases, chiefly on the equity side of the court, until 1849, when he

was called by his clients to take the presidency of the Northern Railroad of New York, known also as the Ogdensburg and Lake Champlain Railroad, which office he held for four years. William A. Wheeler, of Malone, N. Y., late vice-president of the United States, with whom he then became associated, attributed his success in life to Mr. Chandler's early recognition and aid. Under an act of the Massachusetts Legislature, passed February 5, 1861, Mr. Chandler was appointed one of seven commissioners to attend the Peace Convention at Washington. In June, 1863, he was appointed United States assistant treasurer for Boston and served as such until 1868.

From 1836 to 1848 Mr. Chandler resided in Boston. In May, 1848, he removed to Brookline, Mass., where he lived until his death, always taking a deep interest in the welfare of the town. He was largely instrumental in establishing in 1857 the Brookline Public Library, which he served as a trustee until 1866, and he organized and was continuously a director of the Brookline Land Company. He was a man of unusual intellectual attainments, of great ability, and of decided force of character, and in 1837 Bowdoin College recognized his learning by conferring upon him the honorary degree of A. M. In politics he was a Free Soiler and Republican. In religion he was first a Calvinist, but during the larger part of his life he was an ardent follower of Emanuel Swedenborg, and was a leading spirit in the erection of the Brookline Swedenborgian church.

Mr. Chandler was married September 20, 1837, to Elizabeth Julia, daughter of William Schlatter, a prominent merchant and one of the founders of the Swedenborgian church of Philadelphia, Pa., and a grandson of the Rev. Michael Schlatter of St. Gall, Switzerland, whose travels and labors in America promoted by the Christian Synod of the Netherlands lasted from 1746 to 1790, and who served as chaplain in the French and Indian wars and in the war of the Revolution, when in 1777 he was imprisoned and his house in Philadelphia sacked by the British on account of his loyalty to the colonists. Mr. Chandler died December 21, 1886, in Brookline, leaving a widow and three sons and three daughters, his eldest son, Charles Lyon Chandler, lieutenant-colonel of the 57th Mass. Regt., having been killed in battle near Hanover Court House, Va., May 24, 1864. Another son, Alfred Dupont Chandler, of Brookline, is noticed at length in this work.

ALFRED DUPONT CHANDLER, Boston, a citizen of Brookline, Mass., is the son of Theophilus Parsons and Elizabeth Julia (Schlatter) Chandler, and was born in Boston on the 18th day of May, 1847. On the paternal side he is descended in the eighth generation from Edmund Chandler, who settled in Duxbury, Mass., in 1633, and who represented Duxbury in the General Court in 1639, in 1643, and in 1645. His grandmother, Esther Parsons Chandler, who died in 1865, aged ninety-one, was a first cousin of Chief Justice Theophilus Parsons. His maternal grandfather, William Schlatter, was an eminent Philadelphia merchant in the first quarter of this century, and a descendant of the Rev. Michael Schlatter, who was by birth a Swiss, a man of uncommon industry and perseverance and who was sent to America in 1746 to organize the existing congregations of the German Reformed church, a work he successfully performed, enjoying the confidence and friendship of the leading men of the day, until his death, which occurred at Germantown, Pa., in 1790.

Mr. Chandler was educated in the Brookline public schools and at Harvard College, graduating in the class of 1868. His law studies were pursued at home with his father, an able counselor, and afterwards in the law offices of Abbot & Jones and of Richard H. Dana, jr., in Boston. After three months' attendance at the Dane (Harvard) Law School at Cambridge in the fall term of 1869, he was, on special ex-

amination, admitted to the Massachusetts bar December 20, 1869. During the year 1870 he engaged in practice, having also the charge of extensive real estate interests in Northern New York and in Illinois and Missouri. Early in 1871 he entered the law offices of Porter, Lowry & Soren, 78 Broadway, New York city, and later that year made extended journeys through the Southern and Western States on land matters. On January 1, 1872, he opened a law office in Boston, where he has since continued to practice his profession. He was admitted to the Supreme Court of the United States on April 17, 1877.

His preference has been for chamber practice; but on occasion he is heard in the higher courts, before legislative committees, and as a citizen in town meetings. His attention is given mainly to corporation law, private and municipal, and to trust estates and landed interests. He has appeared in admiralty, in tariff, and in patent cases, and has helped to perfect inventions and to exploit patents for patentees. He was the petitioners' counsel in the Ebenezer Smith will case, involving half a million dollars, in 1878–79, his closing argument in the Probate Court occupying over five hours. As a solicitor for land companies he has conducted several important suits which appear in the Massachusetts Reports. He was the plaintiff's solicitor in the leading case of Pierce vs. Drew, on the constitutionality of the Massachusetts telegraph act. Corporation receivership questions in the Federal and State courts have required much of his time. He drafted the bill for the creation of national savings banks, known as Mr. Windom's bill, which was offered by Mr. Windom in the United States Senate, March 1, 1880. Mr. Chandler's argument thereon at Washington, May 4, 1880, before the Senate committee on finance, was printed at the committee's request. His published arguments before committees of the State Legislature on the municipal annexation question, in 1880; on creating a tribunal to decide that a public necessity for a railroad exists before property can be taken for its construction, in 1882, resulting in Chapter 265 of the Acts of 1882; on Nationalism and the municipal control of public lighting in 1889; and his article entitled, "Brookline,—a Study in Town Government,"—in the New England Magazine for August, 1893, are all leading contributions upon these subjects.

Mr. Chandler has been active in the discussion and practical working of municipal ad-



ALFRED D. CHANDLER.

ministration in Brookline, Mass., whither his parents removed when he was one year old. He has also aided other New England towns. The construction of the Riverdale Park between Brookline and Boston is due mainly to his continued efforts in surmounting legal and practical difficulties in the way. He has been the promoter of, or had an influential hand in directing, the largest public improvements of late years in Brookline, and served as chairman of the boards of selectmen, surveyors of highways, health, and overseers of the poor, in Brookline, in 1884, 1885 and 1886, and as a trustee of the Brookline Public Library in 1874, 1875 and 1876. The annual Brookline Town Reports, the most complete of any in the country, now follow the model established

by his direction in 1885. He was one of the earliest importers and promoters in America of the bicycle; and through his appeal, sustained by the Treasury Department at Washington, June 28, 1877, bicycles were first made subject to the duty of and classed as carriages. His book, "A Bicycle Tour in England and Wales," published in Boston and London in 1881, is mentioned in the select list of bibliography in Baedeker's "Great Britain." He has been a constant contributor to the press on a variety of questions touching municipal and national administration. In politics he is a Republican, and has served as president of the Brookline Republican Club. He is a member of the American Bar Association, of the Boston Bar Association, of the American Economic Association, of the National Municipal League, and of the Exchange Club of Boston, of which he was an active founder.

Mr. Chandler was married in Brookline, Mass., December 22, 1882, to Miss Mary Merrill Poor, daughter of Henry V. and Mary W. (Pierce) Poor. They have six children, five sons and one daughter.

SAMUEL LOTHROP THORNDIKE, Boston, son of Albert and Joanna Batchelder (Lovett) Thorndike, was born in Beverly, Mass., December 28, 1829. He is descended from an old Lincolnshire family, his first American ancestor, John Thorndike, coming to New England in 1633 and settling in Beverly, then a part of Salem, in 1636. Of his four great-grandfathers three were active and influential in the Revolutionary war: Nicholas Thorndike, a ship master and later a merchant in Beverly, was a member of the committee on coast defense for Beverly and Salem; Josiah Batchelder, his mother's maternal grandfather, was a member of the first Provincial Congress that met at Lexington; and Col. Joseph Rea, his father's maternal grandfather, was in command of a regiment in the New Jersey campaign. Nicholas Thorndike, jr., grandfather of the subject of this article, commanded a local coast defense company in the war of 1812, served several terms in the General Court, and, like his father, was a ship master and afterward a merchant in Beverly. Albert Thorndike was a lifelong resident of Beverly, holding the presidency of the Beverly Bank and subsequently of the Eastern Railroad Company and serving several terms in the Massachusetts House of Representatives and State Senate.



S. LOTHROP THORNDIKE.

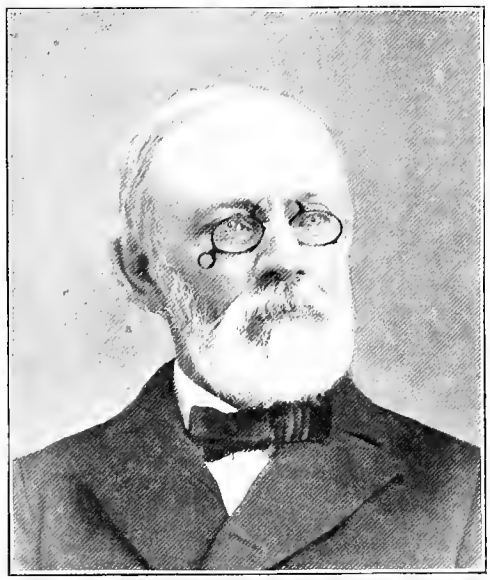
S. Lothrop Thorndike received his preparatory education at the Beverly Academy and Boston Latin School, and was graduated from Harvard College in 1852. While at Harvard he was president of the Hasty Pudding Club and of the Institute of 1770, presiding officer of the Porcellian Club, and a member of the Phi Beta Kappa and the Alpha Delta Phi. He was graduated from the Harvard Law School with the degree of LL.B. in 1854 and continued his legal studies in Boston in the office of the late Sidney Bartlett, being admitted to the Suffolk bar January 11, 1855. In 1867 he was admitted to the bar of the United States Supreme Court. Mr. Thorndike has continuously practiced his profession in

Boston, acting at first as an assistant in the office of Rufus Choate. In 1861 he became associated with William H. Gardiner, which relation continued until the latter's death in 1882. Since then he has maintained an office alone. His business for many years has been chiefly in that department relating to trust and probate law and in the management of estates and corporations. He was register in bankruptcy under the congressional act of 1867 until the law was repealed.

Mr. Thorndike's professional practice has been largely of an office character, seldom taking him into court, yet he stands high as a lawyer and counselor. For a time he was president of the Portland, Saco and Portsmouth Railroad and a director of the Atchison, Topeka and Santa Fe Railroad and of the railroads in Iowa that were subsequently consolidated into the Northwestern line. He is now a director of the Lowell and Chicopee Manufacturing Companies and of the Boston and Roxbury Mill Corporation, a trustee of the Perkins Institution for the Blind of Boston, a member and formerly president of the Old Cambridge Shakspere Association, and a member of the Colonial Society of Massachusetts and of the Union, St. Botolph, Tavern and Examiner Clubs of Boston. He has always been actively interested in musical matters and at various times has been presiding officer of the Harvard Musical Association, and of the Cecilia, and one of the officers of the Handel and Haydn Society, the Boston Music Hall, and of the New England Conservatory of Music. His first vote was cast for the Whig candidates, but since the organization of the party in 1856 he has voted regularly with the Republicans. He is also connected with various Masonic bodies.

Mr. Thorndike was married November 2, 1859, to Anna Lamb Wells, daughter of Hon. Daniel Wells, chief justice of the old Court of Common Pleas from 1844 until his death in 1854. Their children are Albert, a graduate of Harvard in 1881; Sturgis Hooper, who was graduated from Harvard College in 1890; and Mary Duncan, wife of Charles Henry Fiske, jr., of Weston, Mass.

HENRY JACKSON WELLS, Boston, son of Gideon Parker Wells and Susannah Wellington, was born in Charlestown, Mass., November 16, 1823. He is the seventh in descent from Thomas Wells (1), who was born in Colchester, Essex county, England, in 1605, came to this country in the ship Susan and Ellen in 1635, and settled in Ipswich, Mass. The line is as follows: (2) Nathaniel Wells, of Ipswich, born about 1636; (3) Nathaniel Wells, jr., born at Ipswich in 1669; (4) Nathaniel Wells, 3d, of Ipswich, born in 1699;



HENRY J. WELLS.

(5) John Wells, born in 1748 at Ipswich; and (6) Gideon Parker Wells, born September 11, 1780. The latter was one of the first lessees of a stall in Quincy Market, Boston. On his mother's side Judge Wells traces his lineage as follows: (1) Roger Wellington, born in England in 1610, who settled in Watertown, Mass.; (2) Joseph Wellington, born in 1643; (3) Thomas Wellington, born November 10, 1686; (4) Thomas Wellington, jr., born in

1714, who reared twelve sons; (5) Thaddeus Wellington, born April 5, 1758, who went as a minuteman from Watertown at the time of the Lexington alarm; and (6) Susannah Wellington, mother of the subject of this article, born October 11, 1782.

Henry J. Wells was educated in the public schools of Charlestown, and subsequently engaged in mercantile pursuits in Boston and its vicinity until 1848. In that year he went to New Orleans and re-engaged in merchandising, but not satisfied with this routine of life, and being ambitious to better his condition, he returned north after a residence of seven months in the Crescent City, and in the autumn of 1849 left Boston by the way of the Isthmus of Panama for California, whither the great throng of gold-seekers was then rushing. He reached San Francisco in December, having as a fellow traveler Hon. Stephen J. Field, and thus became one of the pioneers of '49 and a member of the picturesque band of adventurers whose experiences, at once rough and exciting, have constituted an interesting chapter in the history of this country. He crossed the mountains of the Isthmus on foot, sailed by steamer from the city of Panama, and soon after reaching San Francisco was made clerk of that old Spanish civil court called the Court of First Instance. California was then in a territorial condition, and the trials and experience through which Mr. Wells passed would make a thrilling story. His passage by land and water, his life among his fellow pioneers, and his connection with the ancient system of justice under the old Spanish regime were romantic as well as novel. In the autumn of 1849 the people of California, having adopted a constitution, elected a Legislature, which held its first session in the following winter and passed the necessary laws providing for the election of State and county officers. In April, 1850, such officers were elected and thus the new State was established. It was Mr. Wells's good fortune, as one of the pioneers of '49, to assist in founding and organizing the new government, especially in the line of the judiciary. He continued as assistant clerk of the State District Court (now the California Superior Court), which practically corresponded to the present Superior Court of Massachusetts, until 1853, when, having studied law during his clerkship, he resigned and was admitted to the bar of the Supreme Court and began active practice in San Francisco as an attorney and counselor.

In 1853 Mr. Wells was one of the two citizen members of the San Francisco Board of Education. In 1855 and 1856 he was president of the Board of Assistant Aldermen (Common Council), and by virtue of this office was one of the Police Commissioners of the city. In the latter year he became one of the original members of the Republican party, of which he has ever since been a strong and consistent adherent. He continued in the active practice of his profession until 1863, when he was elected judge of the Second Township Justice's Court of San Francisco, being the only man chosen that year on the Union (Republican) ticket. He officiated in this capacity for two years from January 1, 1864, to December 31, 1865, when his term expired, and was regarded as an able, learned, and equitable jurist. As a lawyer he gained an eminent reputation, and on the bench he was noted for his sound judgment and common sense.

The court over which he presided was very similar to our eastern municipal courts, and had jurisdiction in a wide range of civil and criminal matters. Every thing in those early days in California was done with a rush, and the courts were constantly crowded with civil cases. The various elements of which California society was then composed were little inclined to peace and order, and the judges and other officers of the law were kept busy looking after offenders. Judge Wells performed his duties with ability and satisfaction. He was actively interested in politics, and during the trying times of President Lincoln's administration held the position of chairman of the Republican Committee of the city and county of San Francisco. A man often had

to take his life in his hands in that new country in order to maintain his principles as a Republican, yet Mr. Wells was never found wanting in activity and courage. He was useful and influential in assisting to lay the foundations of the State where for seventeen years he made his home.

In addition to civil and judicial positions of trust, and besides attending to a large law practice, he gave much of his time and energy to the work of establishing organizations for the improvement of the moral and social condition of society, being one of the founders and for one year president of the San Francisco Young Men's Christian Association and one of the early members and clerk of the First Baptist church of that city. He was also for many years a notary public, then an important and responsible position. In brief, he was one of the leading men of that young city and State.

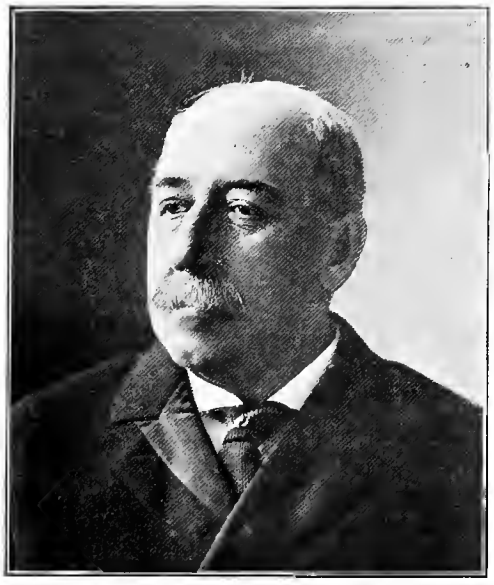
Judge Wells returned to Massachusetts in 1866 and took up his residence in Arlington, where for ten years he was actively identified with town affairs, serving as a member of the Arlington School Committee, and as chairman of the Republican Town Committee. He gave special attention to municipal matters and to the introduction of an adequate water supply into the town, and thus acquired an experience in the water interests of towns and cities which afterward served him well in legislative work. In April, 1867, he was admitted to the bar of the United States Supreme Court at Washington and on May 30, 1871, to the bar of Suffolk county, and in the latter year resumed the practice of his profession in Boston. He rapidly built up a large and successful civil business, general in scope and character, and still continues it with his old-time vigor and industry, although in point of age he is one of the oldest members of the Suffolk bar. Judge Wells made a business trip to California in 1869, and in 1877 removed his residence from Arlington to Cambridge, where he still resides, and where he has been active in public affairs. In 1880, 1881 and 1882 he represented the city of Cambridge in the lower house of the Massachusetts Legislature, where he served as a member of the committee on probate and chancery (of which he was chairman in 1881 and 1882), and rules and orders, and in 1881 of the special committee on the revision of the general statutes. In 1883 and again in 1885 he represented Cambridge in the Massachusetts Senate, serving as chairman of the probate and chancery committee and as a member of the committee on rules both years, and in 1883 of the committee on the liquor law, and as a member (1883) and chairman (1885) of the committee on water supply. He drafted and secured the enactment of several important bills in both bodies, was active in debate and in shaping legislation, and came to be a recognized authority on parliamentary procedure.

Judge Wells was chairman of the Republican City Committee of Cambridge for several years, a member of the State Republican Committee for eleven years, and for seven years its treasurer. He is a member of the Massachusetts Republican Club, of the Middlesex and Cambridge Clubs, of the Society of California Pioneers of San Francisco, of the Society of California Pioneers of New England, of which he was president in 1894 and 1895, and of the Training Field School Association and its president in 1897 and 1898. He is also a member of the First Baptist church on Commonwealth avenue, Boston. In 1888 he was chosen a presidential elector, and became secretary of the Electoral College in Massachusetts, and in this capacity he cast his official vote for Benjamin Harrison for president and Levi P. Morton for vice-president.

In November, 1856, Judge Wells, having returned from California for the purpose, was married in Boston to Maria Adelaide, daughter of Lyman and Rebecca D. (Flagg) Goodnow, and their children are Harrison Goodnow Wells, of Chicago; Sophia Adelaide (Mrs. Frank J. Cross), of Omaha; Mary Rebecca, wife of Edwin P. Stickney, M. D., of Arlington, Mass.; Henrietta Jackson, wife of Arthur

J. Livermore, of the New York bar; and Wellington Wells, a lawyer and assistant clerk of the Superior Court of Boston.

SAMUEL KING HAMILTON, Wakefield and Boston, is the youngest of six sons of Benjamin Ricker Hamilton and Sarah Carle, and a grandson of James Hamilton and John Carle, both prominent and respected farmers of Waterboro, Me. Mr. Carle served in the Revolutionary war and became the first settler of the little hamlet known as Waterboro Center, formerly Carle's Corner. The Hamilton family is of Scotch descent, the first emigrants coming to America in the early part of the seventeenth century and settling in Berwick,



SAMUEL K. HAMILTON.

Me., about 1666. The ancestry of the family is easily traced as far back as the year A. D. 900. It has been one of the most distinguished families of England and Scotland for centuries.

Mr. Hamilton was born in Waterboro, Me., July 27, 1837, and spent his early life on his father's farm. The rudimentary education which he obtained at a district school was supplemented by a single term at Limerick Academy, six months' tuition under Hon. M. D. L. Lane at Hollis, and a year at the Saco High School, all in his native State. In February, 1856, at the age of nineteen, he began teaching a district school in Waterboro, and in September of the same year he entered the Chandler Scientific Department of Dartmouth College, from which he was graduated in 1859. With a view to the legal profession he entered as a student, in 1859, the law office of Hon. Ira T. Drew, of Alfred, Me., where he remained several years, still pursuing at times the occupation of a teacher in Wakefield (then South Reading), Mass., and in the Alfred Academy, of which he was principal, to enable him to complete his preparatory legal studies. He was admitted to the Maine bar at Alfred, York county, in June, 1862, and at once formed a copartnership with his instructor, Mr. Drew, which continued under the firm name of Drew & Hamilton until 1867, when he removed to Biddeford, Me. While living in Waterboro he served two years as a member of the School Committee, and as a citizen of Biddeford he was a member of the Board of Aldermen in 1869 and 1870 and a representative from that city to the Maine Legislature in 1872. In these capacities he established a reputation as an able and sound debater. In December, 1872, he left Biddeford and his native State and moved to Wakefield, Mass., where he has ever since resided, having offices in that town and in Boston.

Mr. Hamilton was admitted to the Middlesex bar in December, 1872, and until 1878 was associated with Chester W. Eaton. Since then he has managed alone a large and successful business chiefly confined to Boston. During the past twenty-five years his practice has been steadily increasing, and for some time he has enjoyed an extensive clientage throughout Middlesex county as well as in the county of Suffolk. The most important cases in which he has been employed as counsel, with the exception of the Wakefield water cases, in which he was engaged, have been criminal trials, including a murder trial in Maine in 1866, an-

other in Middlesex county in 1875, a trial for defrauding insurance companies, the trial of a United States medical examiner in Boston, and the defense of Sullivan, Nagle and Foly for murder in 1895. His ability as a lawyer and advocate has given him a high standing in the profession and an enviable reputation in the entire community. He has had a large experience in both civil and criminal practice.

Soon after settling in Wakefield Mr. Hamilton became prominent and active in the municipal affairs of that town, and from 1876 to 1886 was a member of the Wakefield School Committee. During nine years of this period he was chairman of the board, and was instrumental in effecting a complete reorganization of the school system. His interest in education was appreciated and recognized and was so conspicuous that the town named for him, by a vote in town meeting in 1883, a new brick school house the "Hamilton School Building." He was also chairman of the Wakefield Board of Selectmen for four years, chairman of the board of trustees of the Beebe Town Library for many years, and counsel for the town of Wakefield for twenty years. He had charge of the Wakefield water cases and also of the proceedings which resulted in the town acquiring the plant of the Citizens' Gas Light Company, which was the first and leading case of the kind in the Commonwealth. He was a delegate to the Democratic National Convention of 1880 and 1896, the Democratic candidate for member of congress in the Seventh congressional district of Massachusetts in 1894. In 1892 he was a candidate for presidential elector in that district. In 1893 he became president of the Wakefield Water Company, a position which he still holds. He was one of the originators of the Pine Tree State Club of Boston, which he served as treasurer during the first eleven years of its existence, and is a member of the Bar Association of Boston, and also president of the Bar Association of Middlesex county. In every capacity he has exhibited the highest qualities of a progressive, patriotic and public spirited citizen, and is universally esteemed and respected.

Mr. Hamilton was married February 13, 1867, to Miss Annie E. Davis, daughter of Joseph B. and Harriet N. Davis, of Newfield, Maine.

JAMES MONROE OLMSTEAD, of Boston, is the younger son of Rev. John Wesley Olmstead, D. D., and Mary Livingston, his wife, a grandson of Joshua Olmstead, and a direct descendent in the ninth generation of Richard Olmstead, who settled in Hartford, Conn., in 1636. His father, who was born November 13, 1816, was an eminent Baptist clergyman and journalist, and for many years editor of The Watchman, the leading organ of that denomination in New England; he died August 31, 1891. On his mother's side Mr. Olmstead is descended from the famous Livingston family which traces its ancestry in an unbroken line from James I, king of Scotland, as is shown in the last edition of "Americans of Royal Descent." His American ancestor, Robert Livingston, who came from Edinburgh to New York in 1687, was married at Albany in 1697, to Margaretta, eldest daughter of Col. Peter Schuyler, of whom Governor Seymour said: "Peter Schuyler did more than any other man in America to secure the control of the continent to the English over the French"; his great-grandfather was Col. James Livingston, of Schuylerville, who commanded at the battle of Saratoga a regiment through which General Burgoyne's army passed after the surrender; Richard Montgomery Livingston, his grandfather, was an eminent lawyer in Troy, N. Y., and his daughter was Mary Livingston of Saratoga.

James M. Olmstead was born in Framingham, Mass., February 6, 1852, and soon afterward his parents moved to Boston, which has been his legal residence ever since. He was graduated from the Roxbury Latin School in 1869. The scholars of that institution formed

themselves then, as now, into a military company, of which young Olmstead was chosen captain, and in this capacity he led his command in the review that year before General Grant, who had just begun his administration as president of the United States. Mr. Olmstead was graduated from Harvard College in 1873, with honors in the classics. While in college he was prominent in literary and other



JAMES M. OLMSTEAD.

societies, becoming one of the presidents of the Institute of 1770 and a member of the Delta Kappa Epsilon in his sophomore year, one of the treasurers of the Hasty Pudding Club and a member of the A. D. Club in his junior year. After leaving Harvard he spent two years in Germany, studying Roman law at the University of Berlin and subsequently at the University of Heidelberg, from which he received the degree of Juris Utriusque Doctor in 1875. Roman law, as propounded in those universities, comprises both the civil and canonical law, and besides becoming proficient in this study Mr. Olmstead also acquired a thorough knowledge of the German language and literature, which have ever since had for him a special interest.

Returning to Boston in 1875 he entered the Boston University Law School and in the spring of 1876 the office of Jewell, Field & Shepard, then one of the leading law firms of the city, being composed of the late Harvey Jewell, LL.D., one of the judges of the Court of Commissioners of Alabama Claims; Hon. Walbridge A. Field, late chief justice of the Supreme Judicial Court of Massachusetts; and Col. Edward O. Shepard, a veteran of the Civil war. Mr. Olmstead received the degree of LL.B. from the law school in 1877 and was admitted to the Suffolk bar on December 7, of the same year. Later he was admitted to practice in the United States Circuit Court and on April 1, 1895, to the bar of the Supreme Court of the United States. In December, 1877, he began the active practice of his profession in Boston, and shared an office in 1885 with Hon. Albert E. Pillsbury. This connection existed until August, 1897, since which time he has practiced law alone. His business has been of a general civil character, but in recent years has developed largely into corporation and insolvency law, in which he has achieved success. Among the many cases with which he has been connected are Schmaunz v. Goss, 132 Mass., 141; Batchelder v. Batchelder, 139 Mass., 1; and Fogg v. Millis, 138 Mass., 443.

Mr. Olmstead was married May 29, 1879, to Mrs. Annie M. Batchelder. They have one daughter, Gladys Livingston, born March 27, 1884.

Mr. Olmstead is an ardent Republican, and has been more or less active in politics since 1885, when he became a member of the Ward Eleven Republican Committee. In 1889 and 1890 he served as president of the Republican City Committee of Boston, and altogether had charge of four campaigns for his party, in one of which a Republican mayor was re-elected in a Democratic stronghold. In 1891 and 1892 he represented Ward Eleven, or the Back Bay district, in the House of Representatives of the Massachusetts Legislature, serving the first year as chairman of the committee on election laws and as a member of the committee on

probate and insolvency, and during his second term as chairman of the committee on mercantile affairs. Prominent among his colleagues in the House were Hon. William D. Sohier, J. Otis Wardwell, Hon. Samuel W. McCall, Hon. Charles F. Sprague, Hon. Frederick H. Gillett, Hon. William E. Barrett (speaker), Hon. George V. L. Meyer, and Hon. Francis H. Appleton. Mr. Olmstead was prominent in debate, in committee work, and in all important movements, and made an excellent record as a wise and able legislator. He has drafted and was influential in securing the passage of no less than four bills that are now upon the statute books, viz.: An act regulating the practice of attorneys in probate courts and courts of insolvency, passed in 1890; an act relative to jury trials in equity and probate courts in 1895; an act relative to proceedings against insolvent corporations in 1897; and an act relative to the dissolution of attachments by the appointment of receivers in 1898. He was also instrumental in the introduction of the Australian ballot into the caucus system of Boston. On July 26, 1898, he was appointed one of the two Referees for Suffolk county to act under the new Bankruptcy Law.

Mr. Olmstead's interest and zeal in the advancement of all public matters of genuine benefit to the community have been unflagging. Progressive and patriotic, endowed with remarkable energy and force of character, he has won success and honor in every capacity. He is a lawyer of recognized ability, a man of keen perception and broad learning, and a citizen who is highly respected and esteemed. During his college days he became deeply interested in outdoor sports, and especially in rowing, and was a member of a class crew. Later he developed a fondness for bicycling and still later for golf, and is now a member of the Puritan, Country, and Union Boat Clubs.

HOLLIS RUSSELL BAILEY, Boston, is the son of Otis and Lucinda Alden (Loring) Bailey, and was born in the ancient Governor Bradstreet house in Andover, now North Andover, Mass., February 24, 1852. He is a member of one of the oldest families in New England, being a lineal descendant in the eighth generation of James Bailey, who was born in England about 1612, and who came to Rowley, Mass., with his wife, Lydia,



HOLLIS R. BAILEY.

about 1640. John Bailey, son of James, perished in the expedition against Canada in 1690, and Samuel Bailey, jr., of the fifth generation, was killed in the battle of Bunker Hill in June, 1775. Otis Bailey, father of Hollis R., was born April 14, 1806, in Andover. His wife, Lucinda Alden Loring, born in Duxbury, Mass., August 5, 1809, was descended in the seventh generation from Thomas Loring, a native of Axminster, Devonshire, England, who settled in Hingham, Mass., about 1635. She was also a descendant of Thomas Bailey and of his grandson, John Bailey, who came to Scituate from Weymouth as a tenant farmer of Capt. John Williams at Farm Neck in 1670, and through her grandmother, Alithea Alden,

was descended from John Alden of the Mayflower.

Hollis R. Bailey received his preparatory education in the public schools of North Andover, at the Punchard High School in Andover, and at the Phillips Andover Academy, where he had the Latin oration in the graduating exercises in 1873. He then entered Harvard College, from which he was graduated A. B. in 1877, and from which he received the degree of A. M. in 1879. His early life was spent largely on the farm, where he not only built up a strong constitution, but also acquired those habits of thrift and frugality which mark the successful man. As a farmer he gained considerable experience in the management of a place devoted to raising hay, milk and market produce. While in college he gave his leisure to the tutoring of private students, and in 1878 and 1879, while studying law, he held the position of proctor at Harvard. He graduated with membership in the Phi Beta Kappa fraternity, and immediately entered the Harvard Law School, from which he received the degree of LL.B. in 1878. He also read law in Boston in the office of Hyde, Dickinson & Howe from August, 1879, to March, 1880, when he began the active practice of his profession in that city, having been admitted to the Suffolk bar in the preceding month. He has been associated with Richard H. Dana since his admission in 1880, and by the exercise of those sterling traits of industry and fidelity which have characterized his entire life has gained a recognized position among Boston's prominent lawyers. He has been constantly and successfully engaged in general practice, having many important cases in all the courts of Massachusetts, in the courts of New Hampshire, Rhode Island and Vermont, and in the United States Courts.

In 1880 Mr. Bailey acted as private secretary to Hon. Horace Gray, then chief justice of the Supreme Judicial Court of Massachusetts, and in 1881 he assisted in preparing the Index to the Public Statutes of the Commonwealth. He has frequently contributed important articles to the Harvard Law Review. In politics he is a Democrat and in religion a Unitarian, being a member of the First Church and Parish in Cambridge. He was elected a member of the Everett Atheneum in 1874, and is a member of the New England Free Trade League, of the Bostonian Society, and of the Colonial Club and the Library Hall Association of Cambridge. In 1895 he was chosen president of the Bailey-Bayley Family Association, which was formed in 1892 by the descendants of the several founders of the name in America, and after serving one year he was elected its secretary, which position he still holds. He removed from North Andover to Boston in 1880 and thence to Cambridge in 1890 where he now resides.

Mr. Bailey was married February 12, 1885, to Mary Persis Bell, daughter of the late Gov. Charles H. Bell, of Exeter, N. H. They have one daughter, Gladys Loring Bailey, born July 11, 1887.

ALBERT EVERETT CLARY, is the son of John and Sibyl (Heald) Clary, a grandson of Daniel and Persis (Morse) Clary, and a great-grandson of Daniel Clary, formerly McClary, a Scotch Presbyterian, whose ancestors moved from Scotland to the north of Ireland and thence came to New England, settling in Lunenburg, Mass. In 1751 this Daniel Clary moved to New Ipswich, N. H., where he died. He served as a soldier in the Revolutionary war. His wife was a Taggart. Daniel Clary, jr., a native of New Ipswich, moved in 1797 to Jackson, Me., where he was a pioneer settler, and where he died. He had a large farm and was a man widely respected and esteemed. He married, in Dublin, N. H., Persis Morse, a descendant of Samuel Morse, one of the first settlers of Dedham. John Clary, father of Albert E., was born in Jackson and settled in Troy, Me. He died in California in 1852. He was a prominent man, especially in the Methodist Episcopal church.

His wife, Sibyl, was the daughter of Samuel Heald, of Troy, but a native of Norridgewock, Me., whose grandfather, Timothy Heald, moved from New Ipswich, N. H., to Winslow, Me., in 1771. The ancestor of this family was John Heald, who came from England and was one of the twelve original settlers of Concord, Mass., in 1635. A number of his descendants served with distinction in the Colonial and Revolutionary wars. Samuel Heald's mother



ALBERT E. CLARY.

was Rebecca Willis (Heywood) Heald, who descended from John Heywood of Concord. Samuel Heald was an active man in public affairs and held with honor various important offices. He married Mary Carle of Hollis, Me.

Albert E. Clary was born in Troy, Waldo county, Me., March 15, 1848. He was educated in the public and high schools of his native town and at Wilbraham (Mass.) Academy. He subsequently taught school for several years in Troy and Dixmont, Me., with marked success. While in Troy he was chairman of the School Committee in 1871, 1872, and 1873, and town clerk for two years. While engaged in teaching he took up the study of law. In 1874 he entered the Boston University Law School and received the degree of LL.B. therefrom in June, 1875, being admitted to the Suffolk bar in the same month. He continued his legal studies in Boston another year and also attended special lectures at the law school. In April, 1876, he began active practice in Boston in the office with George H. Smith and George H. Remele. In 1884 he also opened an office in East Boston, where he resides, and since then he has practiced in both places. In the general practice of the law Mr. Clary has been eminently successful and in the many important cases with which he has been connected he has displayed marked ability and untiring industry. In February, 1886, he was appointed a special justice of the East Boston District Court, which position he still holds.

Mr. Clary is a member and past noble grand of Zenith Lodge, I. O. O. F., and a member of Mt. Tabor Lodge, F. & A. M., of St. John's Chapter, R. A. M., of William Parkman Commandery, K. T., and of the Jeffries Winter Club, all of East Boston. He was married on the 14th of April, 1882, to Rosalia L. Dunn, daughter of Alanson and Hannah (Townsend) Dunn, of Saco, Me.

CHESTER ALLYN REED, Boston, is the son of Hon. Chester Isham Reed, whose memoir appears in this work, and Elizabeth Yonge Allyn, his wife, and a grandson of William and Elizabeth (Dennis) Reed, and was born in Taunton, Bristol county, Mass., April 28, 1860. In 1868 he removed with the family to Dedham, where he received his grammar school education. On the death of his distinguished father in September, 1873, the family moved to Brookline, where he finished his preparatory studies, graduating from the Brookline High School in 1877. He then entered Harvard College, from which he was graduated with high honors in the class of 1881, receiving second year honors in the classics, and delivering an English oration, entitled "Future of Catholicism," at commencement. After

spending one year in the Harvard Law School he entered the Boston office of Hon. Winslow Warren, then a commissioner of Alabama Claims and later collector of the Port of Boston, where he obtained considerable experience in taking depositions in connection with those claims. He was admitted to the Suffolk bar in June, 1884, and at once settled in Taunton, Mass., where he soon gained an honorable standing as a lawyer, and where he was nominated, in 1885, a member of the Common Council.



CHESTER A. REED.

Mr. Reed had already decided to change his residence, and he therefore withdrew his name for this office from the ticket. In the spring of 1886 he removed to North Attleboro, Mass., where he was for two years chairman of the original board of trustees of the North Attleboro Public Library and for one year a member of the Republican Town Committee. In January, 1891, he moved his office to Boston and his residence to Dedham, and in each of these places he has since maintained the reputation he established in Taunton and North Attleboro, devoting himself to a large and constantly increasing general civil practice. He has had a number of important tort cases against the West End Street Railway Company of Boston and is counsel for the town of Dedham. In the latter place he has taken an active interest in public affairs. He has always been independent in politics, and, though originally a Republican, became a Democrat, and on one occasion was nominated by that party as representative to the Legislature from Dedham. He was also for several years a member and one year chairman of the Dedham Democratic Town Committee, but resigned on account of his sound money principles and his inability to endorse the radical Chicago platform of 1896. He was moderator of the Dedham town meeting of 1898, is master in chancery for Norfolk county, and in Boston has sat as auditor and master in a number of leading cases.

Among his professional associates Mr. Reed is regarded as a lawyer and advocate of uncommon ability, of broad and accurate learning and of sound judicial principles, and during his career at the bar has displayed many of his father's great legal attainments. Outside of the duties of his profession he has indulged himself to a considerable extent in literary work, contributing numerous articles on current topics to the press, a paper on "Compulsory Arbitration" to the Arena in 1894, and an article on "Peaceable Boycotting" to the Proceedings of the American Academy of Political and Social Science for 1895. He is a member of the Royal Arcanum and of the Fisher Ames Club of Dedham, and is unmarried.

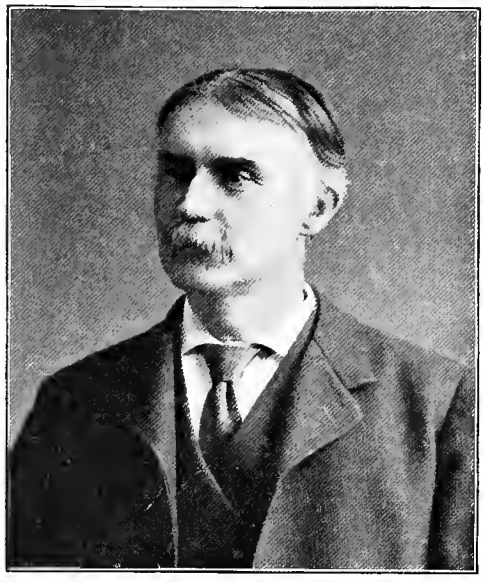
CHARLES GERSHAM FALL, son of Gershom Lord Fall and Rowena Powers Moody, was born in Malden, Mass., June 22, 1845. His ancestors were among the earliest settlers, and many were ardent patriots. One of them was imprisoned by Governor Andros during "The Tyranny" for rebellious conduct against the king; another, Rev. Samuel Moody, of York, Me., was the chaplain of the Louisbourg expedition; another, George Fall, served

seven years as a minuteman and soldier of the Revolution.

Charles G. Fall received his preparatory education at Hathaway's school in Medford and at the Phillips Exeter Academy in New Hampshire, and was graduated from Harvard College in the class of 1868. As a student he developed a taste for public speaking, and won several medals at school and several prizes at college. He began the study of law in Boston in the office of Judge William A. Richardson, was admitted to the Suffolk bar in July, 1869, and then went to St. Louis, where he was admitted to the Missouri bar, and where he remained in practice a year. Returning to Massachusetts in 1870 he opened an office in Boston and also entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1871.

Since returning to Boston Mr. Fall has had a large and lucrative practice, and for many years he has occupied a leading place at the Suffolk bar. He is a man of recognized ability, of broad and accurate knowledge, and of great strength of character, and in discharging the duties of an extensive general law business has won a high reputation. Soon after leaving college he became actively interested in public matters and though never a candidate for political office he was, nevertheless, in several State and presidential campaigns an earnest worker and an effective speaker. He has always been a Republican. During his earlier career at the bar he was also interested in philanthropic measures, and actively and efficiently strove to ameliorate the condition of the insane by improving their hospitals and by legislation preventing their unjust imprisonment. He also endeavored to improve the condition of the working classes by advocating shorter hours of labor, higher wages, greater freedom of contract, and better security for life and limb. His efforts in this direction have been effective, untiring and fruitful. Strikes and lockouts have been the method of warfare used by employees and employers for a quarter of a century, and to avoid them he drafted and advocated, at the request of all the labor organizations in Massachusetts, the act creating in 1886 the State Board of Arbitration and Conciliation, which has since proved an effective remedy in labor disputes.

For many years Mr. Fall advocated, by pen and voice, especially before legislative and political committees, measures making the lives of workingmen, particularly railroad employees, more secure. In 1883 he wrote, for

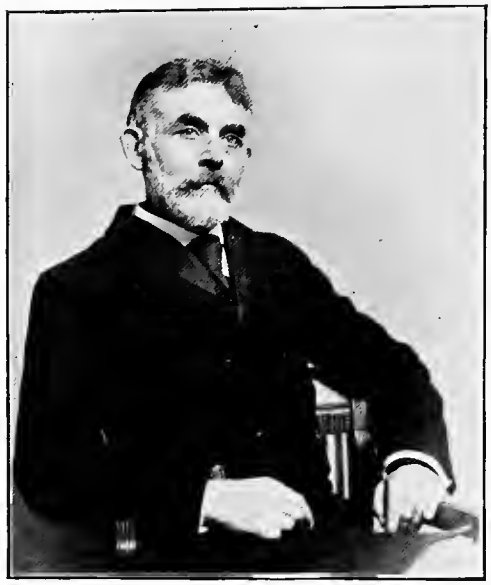


CHARLES G. FALL.

the Massachusetts Labor Bureau, the report on employers' liability for personal injury to their employers, which contained an analysis of the existing law, the objections to the legal rule compelling workmen to assume the risks of their employment, and a discussion of the reasons for and against its change. He is the author and father of the Employers' Liability Act of 1887, being one of its chief instigators and securing largely by his own efforts its passage by the Legislature. Mr. Fall stands pre-eminent as an outspoken advocate of the rights of the laboring man, and his services have been all the more valuable because of the fact that his arguments, while emphasizing the duty of employer and employed, were ably and effectively directed towards a mutual recogni-

tion of those rights and privileges to which each class is entitled. He is the author of "Fall on Employers' Liability" and also of two volumes of poems, viz.: "Dreams," published in 1883, and "A Village Sketch," published in 1886. The first is a valuable work for the lawyer, and the latter have been favorably received by the critics and by the public. He is possessed of rare literary genius as well as of the highest legal qualifications, and in the law, in literature, as an orator, and as a public benefactor he has achieved eminence and honor. As a lawyer and advocate he has been engaged in various important suits for damages and personal injuries against railroad companies. He is a member of the Boston Bar Association and of the Algonquin, Exchange, of Colonial Wars and Sons of American Revolution, and other social clubs, and resides in Boston. In 1887 he married Miss Emily B. Fabian, and they have one son, Fabian Fall, born in 1888.

HENRY HARRISON SPRAGUE, Boston, son of George and Nancy (Knight) Sprague, was born in Athol, Worcester county, Mass., August 1, 1841. Descended from substantial and respected English stock he traces his paternal ancestry back to Edward Sprague of Upwey, near Weymouth, Dorset county, England, whose ancient stone fulling-mill, erected probably at the beginning of the seventeenth century, is still standing, a silent memorial to one of Upwey's old-time industries. William Sprague, youngest son of Edward and the founder of this branch of the family in America, was one of the early planters of Massachusetts, arriving at Naumkeag, now Salem, in 1628, with Governor Endicott and two brothers, Ralph and Richard Sprague, the latter of whom became prominent in Charlestown affairs. William Sprague originally settled in Charlestown, whence he removed in 1636, with his father-in-law, Anthony Eames, to Hingham, as one of the first settlers of that town. He was a leading man in the Hingham settlement, becoming a selectman in 1645 and a constable in 1661. Mr. Eames was also active in the town's affairs, serving as deputy, as town officer, and as the first commander of the militia or "train band." The subject of this article is also a descendant of Richard Warren, one of the immortal band of Mayflower passengers, whose granddaughter, Elizabeth, daughter of Robert and Mary



HENRY H. SPRAGUE.

(Warren) Bartlett, married Anthony Sprague, William's eldest son. Her father, Robert Bartlett, came to Plymouth in 1623, three years after the arrival of the Mayflower.

George Sprague, the father of Henry H., was a son of Joshua Sprague, who removed from Hingham to Petersham and married Lois Stockwell, a daughter of Capt. Ephraim and Sarah Stockwell. Captain Stockwell led a Worcester county company to the battle of Bennington. Through Lois Stockwell, whose mother was a Grout, Mr. Sprague was likewise descended from John Grout, who came to Watertown soon after 1628 and thence removed to Sudbury. John Grout served in 1637 as a soldier in the Pequod war, had charge of the military affairs of the town for forty years, was selectman thirty years, and in

1676 he commanded the settlers against the attack of the Indians in 1675–1676. For the latter service, on the nomination of the householders and soldiers of the town, he was made captain of the Sudbury Company, on January 22, 1689, by the Governor and Council.

Henry H. Sprague received his preparatory education in the public and high schools of Athol and at the Chauncey Hall School in Boston, and was graduated from Harvard College in 1864. Afterward he spent one year in Champlain, N. Y., as a private tutor. In 1865 he entered the Harvard Law School and also became a proctor of the college, and in the fall of 1866 he became a student in the law office of the late Henry W. Paine and Robert D. Smith in Boston. He was admitted to the Suffolk bar February 25, 1868, and at once began the general practice of his profession in Boston, where he has since come into prominence as an able and industrious lawyer. Mr. Sprague very early developed an interest in public affairs, and without affecting his large and constantly increasing law business has, for many years, filled several important positions of trust and responsibility. He was a member of the Boston Common Council for the municipal years of 1874, 1875 and 1876, serving with great credit on the committees on ordinances, claims, and revision of the city charter, and also during his second and third terms as trustee of the Boston City Hospital on the part of the City Council. In 1878 he was elected one of the trustees at large of that hospital, and continued to act as such until the establishment of the board as a corporation in 1880, when he was appointed a trustee by the mayor, in whom the power of appointment was then vested. He has since 1880 held this office by successive reappointments down to the present time, in all a period of nearly twenty-five years, and for eighteen years also served the board of trustees as secretary.

In 1880 Mr. Sprague was elected to the lower house of the Massachusetts Legislature, and was twice re-elected, serving through the sessions of 1881, 1882 and 1883. He was a member of the committees on the revision of the statutes, on libraries, and on probate and chancery in 1881; chairman of the committee on bills in third reading and a member of the judiciary committee in 1882; and a member of the committee on judiciary and bills in third reading in 1883. His service in the House was marked by untiring fidelity, not only to his constituents, but to the best interests of the entire Commonwealth, and won for him the reputation of an able, honest and conscientious legislator. In 1884 he was a member of the Municipal Reform Association, and as its senior counsel was largely instrumental in securing the passage by the Legislature of 1885 of the important amendments to the Boston city charter by which the city's executive authority was vested in the mayor.

Mr. Sprague was a member of the Massachusetts Senate in 1888, 1889, 1890 and 1891, representing the Fifth Suffolk district, and during his first term served on the committees on rules, on the judiciary, on cities, and on election laws. As chairman of the last named committee he drafted and introduced the new ballot act, the passage of which accomplished ballot reform. In 1889 he was chairman of the committees on the judiciary, on election laws, and on rules. He was elected president of the Senate in 1890, and was re-elected to that office in 1891, when the two political parties as represented in that body were equally divided. Mr. Sprague made an excellent presiding officer, displaying great parliamentary ability, and winning the respect and confidence of both opponents and friends for his strict impartiality and firm yet courteous rulings. In this as in other capacities he demonstrated his natural qualifications for leadership, which was universally recognized and admired.

In 1892 Mr. Sprague was appointed by Governor Russell as chairman of a commission to revise the election laws of the Commonwealth and the revision recommended by his commission was adopted by the Legislature of the following year. He was appointed by Governor

Greenhalge, upon its organization in 1895, a member of the Metropolitan Water Board, which is charged with the construction of the works for an additional water supply for the city of Boston and the neighboring cities and towns, and is entrusted with the expenditure of twenty-seven millions of dollars. He was made chairman of the board, which position he still holds. He was one of the promoters of the Boston Civil Service Reform Association, organized in 1880, which was one of the first organizations effected in the country to advocate that reform; and he was one of its executive committee until 1889, and since then has served as president of the association. Mr. Sprague has been a prominent member of the Board of Government of the Boston Young Men's Christian Union since 1867, when, with a few others, he brought about a return of this institution to new and active operations; and he served as its secretary from 1867 to 1879 and since then has been the vice-president. He has been a trustee of the Boston Lying-in Hospital since 1879 and of late years has served it also as vice-president. He was for many years a manager of the Temporary Home for the Destitute, or Gwynne Home, and was one of the "Committee of Fifty" on the Boston Museum of Fine Arts. He has been secretary of the Massachusetts Charitable Fire Society since 1883, and is a member of the New England Historic Genealogical Society, of the Bostonian Society, of the Harvard Law School Association, and of the Union and Unitarian Clubs. He is a foundation member of the Tavern Club, and was one of the first trustees to hold its real estate, is a member of the St. Botolph Club, which he served four years as treasurer, and has been a member of the Boston Bar Association since its establishment in 1876. He is also one of the trustees appointed to hold the buildings of the Woman's Educational and Industrial Union on Boylston street, Boston, and is treasurer of the board, was a member of the Board of Overseers of Harvard College from 1890 to 1896, and for some time was a member of the general committee of the Citizens' Association of Boston. In 1884 he published a treatise entitled "Women Under the Law of Massachusetts, their Rights, Privileges, and Disabilities," and in 1890 another treatise on "City Government in Boston, its Rise and Development," and he compiled for its one hundredth anniversary "A Brief History of the Massachusetts Charitable Fire Society." Mr. Sprague was married in 1897 to Charlotte Sprague Ward, a daughter of the late George Lee Ward, of Boston. He resides in Boston, and in the practice of the law as well as in the various capacities in which he has served he has not only distinguished himself and won the highest honors, but he has worthily and honorably presented the sterling characteristics of those who have so long borne the family name in New England.

ELIJAH GEORGE, Boston, register of probate and insolvency for the county of Suffolk since 1877, is the son of William E. and Elizabeth (De Veau) George, and was born in New Rochelle, N. Y., September 6, 1850. His father was a native of England, and was lost at sea in 1857. Mr. George is a direct descendant of Frederick De Veaux, born in the province of Annis, near Rochelle, in France, a French Huguenot, who in the year 1718 settled in New Rochelle, where he became a large landowner. His great-grandson, Abel Deveau, the grandfather of Mrs. Elizabeth George, was a Whig of the Revolution, and as a member of the militia made a gallant defense in 1776 against the British army under General Howe on their march from Pelham Neck towards East Chester.

Elijah George was educated in the public schools of New York city, graduating from Grammar School No. 11 in the very height of the war excitement. In common with his friends and classmates his patriotism found vent in several attempts to enlist in the Union cause, but being under age he was compelled to abandon an ardent desire for service at the

front and seek employment in a business capacity. His expectations of pursuing a course at the University of New York were also abandoned for the purpose of fitting himself for the law, the study of which he began in 1864 in the office of Charles H. Roosevelt, of New Rochelle. About a year later he entered a banker's and broker's office in Wall street, in New York, where he remained three years, when ill health obliged him to seek recupera-



ELIJAH GEORGE.

tion in Vermont. He lived there a year and in New Rochelle another year, and in 1870 came to Boston, where he continued his legal studies in the office of Uriel H. and George G. Crocker. He also attended lectures at the Boston University School of Law, graduating in the first class from that institution, with the degree of LL.B. in 1873, and was admitted to the Suffolk bar November 28, 1874. In 1889 he was admitted to the bar of the United States Supreme Court.

Mr. George practiced his profession in the Messrs. Crockers' office, making a specialty of conveyancing, until December, 1875, when he was appointed assistant register of probate and insolvency for the county of Suffolk by Judge Isaac Ames. After the death of Register P. R. Guiney he was appointed, April 3, 1877, by Governor Rice, as register of probate and insolvency, which office he has since held by successive re-elections. His long service in this capacity has been marked by unusual efficiency, fidelity, and industry, and also by the publication of three volumes of Index to Probate Records of Suffolk County, covering the years from 1636 to 1894, which he compiled and printed. This work is, as far as known, the only one of the kind in the world, and has been in great demand by libraries, historians, and genealogists throughout the country. It is one of the most valuable aids to genealogical research ever published in Boston or Suffolk county.

For more than seventeen years Mr. George was actively and prominently connected with the Massachusetts militia, enlisting as a private and retiring with the rank of major. He became a member of the First Corps of Cadets on the 3d of February, 1880, and on July 13, 1881, was appointed judge advocate of the First Brigade with rank of captain, which position he resigned February 23, 1882. He was made judge advocate of the Second Brigade with rank of captain August 12, 1882, and major and assistant inspector-general of rifle practice, Second Brigade, June 7, 1894, and retired from the service July 24, 1897, with rank of major. He is a member of the Bar Association of the city of Boston, of the University, Union, Athletic, Curtis, Abstract, and Roxbury Clubs, of the Massachusetts Yacht Club, of the Beacon Society and of the Bostonian Society.

Mr. George was married at Washington, D. C., June 25, 1876, to Susan Virginia, daughter of Charles and Annie H. (Williams) Howard, of Baltimore, Md., and they have three sons: Elijah Howard, William Leigh and Ernest.

HARRISON ALLEN PLYMPTON, Boston, special justice of the Northern District Court of Norfolk county, is the eldest son

of Noah A. and Helen M. (Flint) Plympton, and was born in Worcester, Mass., on the 7th of March, 1871. He was educated in the public schools of his native city and at the Newton (Mass.) High School, from which he was graduated in 1889. He studied law at the Harvard Law School, graduating therefrom with the degree of LL.B. in 1892, and continued his legal preparation in Boston in the



HARRISON A. PLYMPTON.

office of Melvin O. Adams, being admitted to the Massachusetts bar in December, 1894.

Mr. Plympton began the active practice of his profession in Lowell, Mass., in association with Gov. Frederic T. Greenhalge, with whom he continued until the latter's death in March, 1896, when he removed his office to Boston. In May, 1897, he was appointed a trial justice by Governor Wolcott and in the following year he received the appointment as one of the justices of the Northern District Court of Norfolk county, which position he still holds. As a lawyer and advocate Mr. Plympton, by the exercise of marked ability, untiring industry, and broad legal knowledge has achieved an honorable and a leading position among his younger associates of the Boston bar. On the bench he has displayed good judgment and excellent judicial qualities, which have already distinguished him in the very beginning of his professional career.

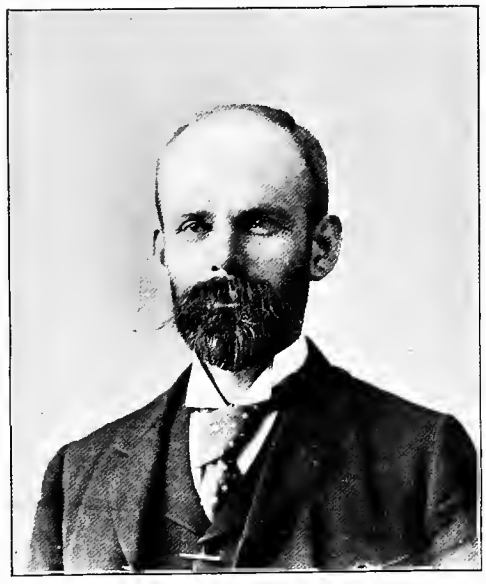
He was married June 29, 1898, to Lucy E., daughter of Franklin Newton, of Worcester, and they reside at Wellesley Hills, Mass.

GEORGE DAVID AYERS, Boston, is descended on both sides from early colonial stock. He is the son of David and Martha Elizabeth (Huckins) Ayers, and a grandson of David Ayers, sr., a farmer of Needham, Mass., and of Ivory Lord Huckins, a prominent shoe manufacturer in New Hampshire. His father, who is still living, was for many years engaged in the West India trade in Boston as senior member of the firm of Ayers & Eaton, retiring in 1873.

Mr. Ayers was born in Boston on the 26th of August, 1857, and when eighteen months old was taken by his parents to Malden, Mass., where he has ever since resided. He attended the Malden public and high schools, graduating in 1874, and after a year spent in desultory reading and study entered Harvard College, where he gave special attention to philosophy and political economy, and from which he was graduated in 1879, with membership in the Philosophical Club and other organizations. Among his classmates were Samuel C. Bennett, dean of the Boston University Law School; Waldron Bates and William B. de las Casas, of the Boston bar; and John M. B. Churchill, Charles Stedman Hanks, Prescott Keyes, William B. Lawrence, Thomas Russell, and William Schofield, also lawyers of Boston. On leaving college Mr. Ayers entered the Harvard Law School, where he remained three years, graduating with the degree of LL.B. in 1882. He continued his legal studies in Boston in the office of the late Gov. William Gaston and the late Charles L. B. Whitney, then partners and leading lawyers, and was admitted to the Suffolk bar in February, 1883. On March 1 of that year he began active prac-

tice alone in Boston, and in 1885 formed a co-partnership with George Clarendon Hodges under the firm name of Ayers & Hodges, which soon became Ayers, Hodges & Day by the admission of Stanton Day. About 1889 the firm became Ayers & Hodges, and so continued until 1891, after which Mr. Ayers practiced alone and later in association with John Storer Cobb till 1895. Since then he has been alone.

As a lawyer Mr. Ayers has gained an honorable reputation at the bar, and in general office practice has displayed marked ability, sound judgment, and sagacity. While he has devoted himself to the duties of his profession with constant success, yet it is in the broad field of Theosophy that he is best known and most widely appreciated. He became actively interested in the Theosophical Movement in 1885, when he joined the Malden Theosophical Society as a charter member. That society was the seventh one organized in the United States and fourth in order of continued existence, and Mr. Ayers has served it as president most of the time since April, 1890, holding the office at the present time, that society being now known as Universal Brotherhood Lodge No. 114. He has also been president of the New England Theosophical Corporation since November, 1893. This was an outgrowth of the theosophical societies in and about Boston, Mr. Ayers at the time of its organization being president of the Boston society, which office he held from October, 1891, to January, 1894, when he declined re-election in order to carry out the better plans arising out of the formation of the New England Theosophical Corporation. In the latter part of the year 1893 the New England Theosophical Corporation acquired and occupied the property at 24 Mount Vernon street, Boston, from which has resulted the successful spread of the principles of the philosophy and the Universal Brotherhood idea and the placing of the movement upon a substantial basis throughout the States of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. He was also Secretary and Executive officer of the New England Committee for Theosophical Work from its inception until February 18, 1898, when it was merged with other bodies into the Universal Brotherhood Organization. His lectures on Theosophy in New England and New York, his numerous contributions on this subject to magazines and newspapers, and his untiring efforts in theosophical affairs have won for him not only the position of a worker, but a reputation which is almost national in its scope.



GEORGE D. AYERS.

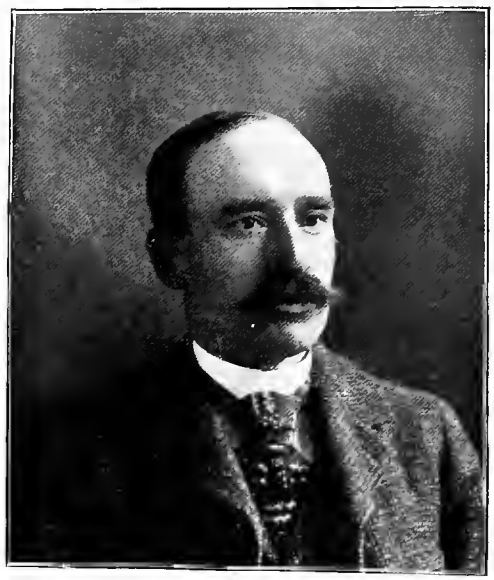
In the law Mr. Ayers's practice developed largely in the line of real estate matters. About 1891, having lost his abstract books in the fire that destroyed the old Sears building, he became Resident Attorney and Agent for the Lawyers' Surety Company of New York, and a year later resigned. Since then he has conducted a general law practice, which necessarily includes much that relates directly or indirectly to theosophical affairs. He was a member of the Executive Committee of the Young Men's Democratic Club of Massachusetts in 1888 and 1889. His politics may be defined as Independent. He is an ardent supporter of the principles laid down by the Na-

tionalist party, and in 1889 and 1890 was president of the first Nationalist Club of Boston, of which he was an early member. He has written numerous papers on politics, economics, etc., and was active as a speaker in the Cleveland campaigns of 1884 and 1888. He is a member of the Harvard Law School Association, of Converse Lodge, F. & A. M., of Malden, of the Malden Historical Society, of the Ames-Gray Law Club of Harvard, of the Abstract Club of Boston, and of the New England Historic Genealogical Society. In the threefold capacity of lawyer, theosophical lecturer, and public spirited citizen he has achieved a wide reputation and an honorable standing, while in the field of Theosophy he stands among the earnest workers in the country. He has repeatedly declined political preferment, but for many years took an active interest in public affairs, especially in Malden, where he resides. Latterly his other interests have drawn him away from activity in politics.

Mr. Ayers was married January 7, 1885, to Charlotte Elizabeth, daughter of Rev. James Dixon Carder, D. D., and Charlotte Pond, of Milford, Conn. She died in January, 1896, leaving one son, David Ayers. Dr. Carder was, at the time of his death, Secretary of the American Board of Foreign Missions of the Episcopal church.

GEORGE ARTHUR PERKINS, Cambridge, son of Levi and Elizabeth (Sands) Perkins, was born in Cambridge, Mass., September 4, 1856, and still resides there in the old family homestead. His parents were both natives of Maine and descendants of colonial families, several of whose members served with distinction in the French and Indian wars and in the war of the Revolution. His father, Levi, a carpenter and builder, and his grandfather, James Thaxter Perkins, were born in Limerick, Me., whither his great-grandfather, Joseph Perkins, a Revolutionary soldier, removed from New Hampshire, and whence his parents came to Cambridge.

Mr. Perkins was educated in the public schools of Cambridge, and after graduating from the high school in 1874 entered the Boston University School of Law, from which he was graduated with the degree of LL.B. in May, 1876. He was admitted to the bar in November, 1878, and to the bar of the United States Circuit Court in April, 1882, and was associated in practice with Hon. Charles J. McIntire, judge of the Probate Court for Middlesex county, from 1878 to 1893. Since that time he has practiced alone, his office being at 15 Court Square, Boston. Mr. Perkins rapidly acquired a recognized standing in the profession. He developed unusual legal ability, and in the numerous large and important cases which came under his charge displayed



GEORGE A. PERKINS.

a broad knowledge of the law as well as sound judgment and great sagacity. For many years he has had an extensive business in both the Massachusetts and United States Courts.

About 1885 Mr. Perkins, having been an enthusiastic bicyclist, became an active member of the League of American Wheelmen, and since then he has interested himself in the subject of highway improvement, achieving in this connection a national reputation. He

was a member of the lower house of the Massachusetts Legislature from Cambridge in 1886, 1887, and 1889, and served as a member and clerk of the committees on the judiciary and probate and insolvency and as a member of the committee on engrossed bills. In 1887 he introduced in the Legislature the first bill which provided for the improvement of the public highways in the Commonwealth. Later he originated and drafted the bill creating the Massachusetts Highway Commission, and after hard and persistent labor secured its enactment on the statutes. He was three years chief consul of the Massachusetts Division L. A. W. and for two years vice-president of the national body, and in 1893 he resigned both offices, as well as many other positions of minor importance, to accept the chairmanship of the newly organized highway commission, which he held for three years. In this capacity he laid the foundation upon which that commission has continued to carry on the work of improving the roads of the Commonwealth. He is virtually the "father" of the bill creating the commission in 1893 and of the commission itself, and has probably done more than any other one man to further the cause of improved highways in New England. In 1892 he was chairman of a committee to inquire into the highways of Massachusetts and made a report which resulted in the creation of the commission. In 1895 Governor Greenhalge appointed him the delegate from Massachusetts to the National Road Parliament at Atlanta, Ga., and he is now (1898) a vice-president of that organization, and he has also appeared before the Legislatures of New York, Pennsylvania, Maryland, Virginia, and other States in the interests of the good roads movement. With voice and pen, in public speeches and through the medium of the press, he has for many years been a leading factor in this agitation, and by persistent effort and unfailing courage has steadily carried the issue forward to success.

Meanwhile Mr. Perkins has conducted a large and successful law practice in Boston, and since 1893 has been alone. He has been for several years chairman of the Democratic City Committee. In 1898 he was the Democratic candidate for Congress in the Eighth (Middlesex) district, which is strongly Republican, and was defeated by Hon. Samuel W. McCall. He is a life member of the National Assembly of the L. A. W. and a member of the Ancient and Honorable Artillery Company of Boston; of Mount Olivet Lodge, F. & A. M., and of Cambridge Chapter, R. A. C., of Cambridge; of Boston Commandery, K. T., of Boston; of Boston Council, Royal and Select Masters; of Cambridge Lodge, 13, I. O. O. F., of Cambridge.

HIRAM PUTNAM HARRIMAN, Boston and Wellfleet, judge of the Court of Probate and Insolvency of Barnstable county, was the youngest son of Samuel and Sally A. (Hilliard) Harriman, and was born in Groveland, Mass., February 6, 1846. His great-grandfather, Moses Harriman, of Bradford (now Groveland), was a lieutenant in the Revolutionary war, and his grandfather, also named Moses, was a respected farmer in Georgetown. His father, a prominent farmer in the adjoining town of Groveland, died in 1895, at the age of eighty-seven.

Judge Harriman attended the public schools of his birthplace and Phillips Academy at Exeter, N. H., and in 1869 was graduated from Dartmouth College after the usual four years' course. He then entered the Albany Law School, from which he was graduated with the degree of LL.B. in 1870, being admitted to the New York bar the same year. He also studied with Jeremiah P. Jones, of Haverhill, Mass., was admitted to the Essex county bar in June, 1870, and in the following autumn began active practice in Wellfleet, Barnstable county, in the same State, where he has ever since resided. He soon gained a high standing at the Barnstable bar, and for many years has been one of its recognized lead-

ers. In June, 1882, he was appointed judge of the Court of Probate and Insolvency for that county, by John D. Long, then governor of Massachusetts, which office he has since filled with great credit and satisfaction. During the illness of Judge McKim in 1892 he also presided over the Probate and Insolvency Court of Suffolk county for eight months, and in 1894, owing to the illness of Judge Brooks,



HIRAM P. HARRIMAN.

he was called upon to discharge the duties of probate for the county of Middlesex, and he continued in this capacity until Judge Brooks's death and the appointment of his successor. Since the fall of 1894 he has also acted as judge of probate and insolvency for Norfolk county.

As a lawyer Judge Harriman built up a large general practice which extended throughout Barnstable county and into adjacent towns. His industry and ability, his sound judgment, his fine legal qualities, and his manly character gave him a wide reputation, which has been materially augmented by his long and arduous service on the probate bench. The volume of work he has performed, especially during the last four years, is astonishing. Besides attending to the probate and insolvency matters for the counties of Barnstable and Norfolk he has continued a successful law practice, opening also, in 1894, an office in Boston, where he has had as a partner Frederick J. Daggett since 1895. In the department of insolvency and probate law he has had a wide experience, and is generally recognized as an authority. And in this connection he is often retained as senior counsel. He was associated with George O. Shattuck as counsel for the plaintiff in the celebrated case of Chester Snow vs. John B. Alley, 144, 151, and 156 Mass. Reports, in which Ambrose A. Ranney, Judge John W. Hammond, Col. Robert G. Ingersoll, Judge James M. Morton, and Hon. Hosea M. Knowlton were arrayed as counsel for the defendant. He is the counsel for the Cape Cod division of the Old Colony or N. Y., N. H. & H. Railroad, a trustee of the Five Cents Savings Bank at Wellfleet, a Royal Arch Mason, a member of the Boston Art Club, and a member of the standing committee of the South Congregational (Unitarian) church of Boston. He was also for a time a trustee of the Cape Cod Five Cents Savings Bank at Harwich. As a citizen he is public spirited and enterprising, liberally encouraging every movement which promises general benefit and advancement.

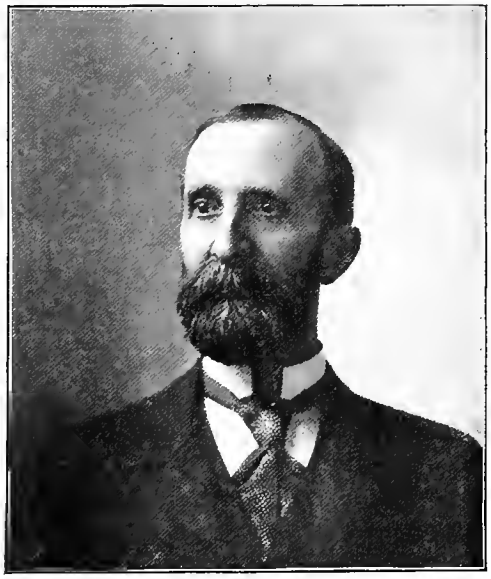
Judge Harriman was married September 20, 1870, to Miss Betsey F., daughter of George W. Nickerson, of Harwich, Mass., and they have one daughter, Olivia C., a student at Radcliffe College, class of 1900.

GEORGE CLARK TRAVIS, Boston, formerly assistant attorney-general and now counsel for the Boston Elevated Railway Company, is the son of George Clark and Rachel Parker (Currier) Travis, and was born in Holliston, Middlesex county, Mass., August 19, 1847. His father was a boot manufacturer and a descendant of an old Massachusetts family, while his mother's ancestors settled in New Hampshire at a very early day.

Mr. Travis received his early education in

the public and high schools of Holliston and in 1862 entered Phillips Exeter Academy, where he remained three years, graduating in 1865. He then entered Harvard College, from which he was graduated in 1869, and from which he received the degree of A. M. in course in 1872. While a student at Harvard he was elected a member of the Natural History Society, of the Pi Eta, and of the Phi Beta Kappa.

From 1869 to 1872 Mr. Travis taught Latin and Greek in the high school at Medford, Mass., where he read law at the same time with Benjamin F. Hayes, now a prominent attorney in Boston, and Daniel A. Gleason, ex-State treasurer and now treasurer of the Fitchburg Railroad Company. He was admitted to the Middlesex bar by Judge Wilkinson at East Cambridge in February, 1872, and on April 1



GEORGE C. TRAVIS.

of that year began the active practice of his profession in Holliston, where he was appointed a trial justice in May following. He maintained an office there and another in Boston during the next two years, or until April, 1874, when he closed his Boston office, resigned the trial justiceship and moved to South Framingham, Mass. There he remained twelve years, actively engaged in the practice of law.

In April, 1886, Mr. Travis moved his residence to Newton, Mass., and his office to Boston, and in the latter city soon established himself in general practice. On March 14, 1891, he was appointed first assistant attorney-general of Massachusetts by Attorney-General A. E. Pillsbury, and held that office until July 1, 1898, being reappointed by Attorney-General Hosea M. Knowlton. He resigned the office July 1, 1898, to accept the position of counsel for the Boston Elevated Railway Company, in charge of the legal work connected with the building of its elevated lines.

Mr. Travis was married April 5, 1871, to Harriet March Fitch, daughter of Austin Green and Mary Charlotte (March) Fitch, of Holliston, Mass.; they have two children living: Harold Fitch Travis, a student at law with his father and at the Boston University Law School, and Howard Currier Travis, a student at Harvard College, class of 1902.

COLVER JOSIAH STONE, Andover and Boston, is the son of Rev. Daniel Josiah Stone and Emma Augusta Shattuck, and was born on the 24th of January, 1869, in Quincy, Mass., where his father, a graduate of Phillips Andover Academy, was pastor of the Baptist church. His paternal ancestors settled in Watertown, Mass., at a very early day, and some of them served in the Revolutionary war. His mother was a daughter of Thomas Shattuck, of Andover, and a descendant of William Shattuck, who died in Watertown in 1672. Members of her family were also in the war of the Revolution.

Mr. Stone has practically spent his entire life in Andover, Mass., whither his parents removed from Quincy when he was one year old. He was graduated from the Andover grammar and high schools and from Phillips Andover Academy in 1890 and then entered Harvard College, where he spent the freshman

year. He read law in the office of Marshall, Hamblet & Burke, of Lowell, and at the Boston University Law School, from which he was graduated with the degree of LL.B. in 1895, obtaining the highest honors in real property. He entered that institution as an advanced student in 1893. He was admitted to the Essex bar at Salem in May, 1895, and during the next two years was an examiner of land titles for the Massachusetts Title Insurance



COLVER J. STONE.

Company, of Boston. While employed in this capacity he acquired a large practical experience in conveyancing and real estate law. In November, 1897, he opened an office for the general civil practice of his profession, and formed a copartnership with Edmund S. Spalding, which still continues under the firm name of Spalding & Stone. He has also maintained an office in Andover since his admission to the bar, and resides there.

As a lawyer Mr. Stone has already gained an honorable standing and a high reputation. Though a young man, he has displayed marked ability, and sound legal qualifications, and as a citizen he is highly respected and esteemed. In October, 1898, he was appointed by Judge Leonard A. Jones an examiner of land titles for Northern Essex under the new Court of Land Registration, and still holds that office. He is a Republican, and during the last two years has been somewhat active in local politics. He is a member of the Phi Delta Phi fraternity of Boston University, and is unmarried.

HENRY VOSE, Springfield and Boston, associate justice of the Superior Court of Massachusetts from 1859 to 1869, was a lineal descendant of Robert Vose, who came from England in 1654 and settled in Dorchester, where he died October 16, 1683, aged eighty-four. Edward Vose, son of Robert, died January 29, 1716, at the age of eighty, leaving a son, Nathaniel, who married Mary Belcher. Their son, Elijah Vose, sr., married Sarah Bent, and their eldest son, Elijah, jr., was born in Milton, Mass., February 24, 1744, and died there March 19, 1822. Elijah Vose, jr., was a captain in Heath's (afterward Greaton's) 24th Regiment early in 1775, and was present at the siege of Boston. He became a major, and on February 21, 1777, was commissioned lieutenant-colonel of the First Massachusetts Regiment, commanded by his brother Joseph. He served through the Revolutionary war, in which four of the brothers were engaged. Moses and Bill Vose, younger brothers, both held responsible positions, the latter being a paymaster. Col. Elijah Vose had two children, Elijah and Ruth, of whom the latter married Eben Breed, of Charlestown. Colonel Vose was an early member of the Society of the Cincinnati, and in 1822 was succeeded by his only son, Elijah, who was born in Milton on January 1, 1790, and who became a prominent merchant in Boston, where he died August 12, 1856, having also been president and an active member of the Massachusetts Horticultural Society; he married Rebecca Gorham Bartlett.

Henry Vose, eldest son of Elijah and Rebecca Gorham (Bartlett) Vose, was born in Charlestown, Mass., May 21, 1817. He pre-

pared for college at Concord Academy and was graduated with honors from Harvard University in 1837. Afterward he was private tutor in a family in western New York. He read law in Greenfield, Mass., with George T. Davis and in Springfield with Chapman & Ashmun, and was admitted to the Hampden bar at Springfield, where he practiced his profession for several years with eminent success. He represented that city in the lower house



HENRY VOSE.

of the Massachusetts Legislature in 1857–58. In 1859 Governor Banks appointed him an associate justice of the Superior Court, which position he filled with great dignity and ability until his death, in Boston, January 17, 1869.

Judge Vose was an able lawyer and advocate, and as a jurist displayed an exact knowledge of the law and a wonderful grasp of legal science. He was a public spirited and patriotic citizen, a man of the highest honor and integrity, and achieved eminence at the bar and on the bench. In 1860 he succeeded his father as a member of the Society of the Cincinnati, and upon his death in 1869 was succeeded by his brother, Francis Vose, a prominent merchant of New York city.

Judge Vose was married October 19, 1842, to Martha Barnett Ripley, of Concord, Mass. They left no sons. One of their daughters, Mary, is the wife of Charles Pelham Greenough, of the Boston bar, whose sketch appears in this work.

CHARLES PELHAM GREENOUGH, Boston, is descended from William Greenough, who came from Lancashire, England, to Boston, Mass., in 1648. His great-great-grandfather, Thomas Greenough, was one of Boston's selectmen during the Revolutionary war, and his great-grandfather, Rev. William Greenough, was for fifty years pastor of a church in Newton, succeeding Rev. John Eliot. His grandfather, also named William, a prominent Boston merchant, married Sarah Gardner, daughter of John Gardner, of Leominster, Mass., and a niece of Mrs. John Hancock. William W. Greenough, son of William just mentioned and the father of the subject of this article, was treasurer of the Boston Gas Light Company for thirty-eight years and a trustee of the Boston Public Library for thirty-two years. He married Catherine H. Curtis, daughter of Charles Pelham Curtis, the first city solicitor of Boston and a law partner of Judge Benjamin R. Curtis.

Charles P. Greenough, son of William W. and Catherine H. (Curtis) Greenough, was born July 29, 1844, in Cambridge, Mass. He was graduated from the Boston Latin School in 1860, being a Franklin medal scholar and receiving several prizes for proficiency in his studies. He then entered Harvard University, where he had a Detur, and from which he was graduated in 1864. While in college he was a member of the Institute of 1770, of the Hasty Pudding Club and of the Natural History Society. Soon after graduating he entered the United States service in the blockading squadron on the U. S. steamer Vanderbilt, where

he remained several months, being stationed off the coast of North Carolina. He subsequently spent some time in travel in Egypt, Turkey, Palestine, and the Holy Land, and in 1867 entered the Harvard Law School, from which he was graduated with the degree of LL.B. in 1869. He continued his legal studies in the office of Ropes & Gray, of Boston, and was admitted to the Suffolk bar in December,



CHARLES P. GREENOUGH.

1869. Immediately afterward he formed a copartnership with Robert M. Morse, jr., which continued under the firm names of Morse & Greenough and Morse, Stone & Greenough for ten years. Since 1880 Mr. Greenough has practiced alone.

Mr. Greenough is one of the leading members of the Suffolk bar. His ability and industry, his broad and thorough knowledge of the law, and his fine legal attainments are recognized and admired. He was counsel for the Boston Gas Light Company and for other gas corporations from 1869 to 1895, when he resigned, and since then he has devoted himself to the general practice of his profession. As a counselor and advocate he has achieved success and honor. In politics he is a Republican. He was an original member of the Bar Association of the city of Boston, in 1876, and has served it as treasurer since 1887. He is the author of a "Digest of Gas Cases," published in 1883, and the editor of the ninth edition of "Story on Agency;" and has made numerous addresses on the subject of water gas and contributed several important articles to leading magazines and law journals. For seven years he successfully prevented the manufacture of water gas in Massachusetts by appearing before various committees of the Legislature. As a citizen he is public spirited and enterprising, and liberally encourages every worthy movement. He is a student of history and of general literature, a scholar endowed with rare intellectual attainments, and a man of the highest integrity and honor. He is a member of the Antiquarian Society of Worcester and of the New England Historic Genealogical Society, and a corresponding member of the New Hampshire Historical Society.

June 11, 1874, Mr. Greenough married Mary Dwight Vose, of Boston, daughter of the late Hon. Henry Vose, associate justice of the Superior Court of Massachusetts, whose memoir appears in this work. They have four children; Constance Pelham, Ruth Mary, Henry Vose, and Alfred.

MARCELLUS COGGAN, Boston, is a descendant of John Coggan, who is mentioned by Emory Washburn, in his Judicial History of Massachusetts, as one of the earliest members of the colonial bar and also as a merchant. His father, grandfather Taber, and great-grandfather, John Coggan, were respected farmers in Lincoln county, Me., whither the family removed during the pioneer settlement of that State.

Mr. Coggan is the son of Leonard C. and Betsey M. (Webber) Coggan, and was born in Bristol, Lincoln county, Me., September 6, 1847. He attended the common schools of his native town and was graduated from Lincoln Academy at Newcastle, Me., in 1868.

The same year he entered Bowdoin College, from which he was graduated in 1872, taking the junior prize declamation and being orator of his class. From 1872 to 1879 he was principal of Nichols Academy at Dudley, Mass., and did much to make that one of the leading institutions of the kind in the country. In 1879 he resigned and came to Boston, where he entered the law office of Child & Powers, with whom he continued to practice from his admission to the Suffolk bar in February, 1881, until 1886. He then formed a copartnership with William Schofield, under the firm name of Coggan & Schofield. They carried on a successful law business until 1896, since which time Mr. Coggan has practiced alone. He is widely respected for his ability, good judgment, and broad learning.



MARCELLUS COGGAN.

For several years Mr. Coggan has been a prominent figure in the courts, where the best efforts of his professional life have been put forth. He is a strong advocate before a jury, and is distinguished for those qualities which invariably win success. He has successfully followed a general practice, and has been connected with many important cases, notably the Trefethen murder case, in which he and Gov. John D. Long were counsel for the defense. He has also taken an active interest in public affairs. While in Dudley he served on the School Board for four years, a part of the time as its chairman. In 1879 he moved to Malden, Mass., where he has since resided, and where he was for four years a member and one year chairman of the School Committee. He was also mayor of Malden in 1886 and 1887, the second time being almost unanimously elected, only about twenty votes being cast against him. He declined a third nomination and election, and since then has steadfastly refused public office. In politics he is a Republican. He was the founder in 1887 of the Malden Co-operative Bank and served it as president until May, 1898, when he resigned. He is a member of the Universalist church of Malden, and a charter member of Congress Lodge, F. & A. M., of Malden Lodge, I. O. O. F., and of the Malden Club.

Mr. Coggan was married November 26, 1872, to Luella B., daughter of Calvin C. Robbins, of Bristol, Me., and they have three children: M. Sumner, Linus C., and Florence Betsey. M. Sumner Coggan, the eldest, was graduated from Bowdoin College in 1897, taking the junior prize declamation, an honor his father had won at the same institution on the identical evening just twenty-four years before. He is now a student at the Boston University Law School, class of 1899.

GEORGE DEXTER BIGELOW, Boston, son of George W. and Grace Crosby (Hoyt) Bigelow, was born September 7, 1851, in Framingham, Mass., where he has always resided. He is a grandson of Dexter Bigelow, a farmer in Ashland, Mass., and of Dr. Enos Hoyt, a prominent physician of Framingham: a great-grandson of Nathaniel Bigelow and Nathan Hoit, both soldiers in the Revolutionary war; and a great-great-grandson of Captain Josiah Crosby of Amherst (now Milford), N. H., who served in the French and Indian

war of 1748 and commanded a company in Colonel Reed's New Hampshire regiment at the battle of Bunker Hill. He is a lineal descendant in the eighth generation of John Bigelow (or Biglo, Begeley, or Bageley), who came from England in 1632 and settled in Watertown, Mass., and who served in the war against the Pequot Indians and also in King Philip's war. John Bigelow's marriage in 1642 is the first one recorded in the records of Watertown, where the family has resided for many generations. The Hoyts and Crosbys were New Hampshire families, and like the Bigelows have always been conspicuous in social, professional and military affairs.



GEGRGE D. BIGELOW.

Mr. Bigelow received his primary and preparatory education in his native town, attending the public schools, graduating from the Framingham High School and Academy in 1869. He then entered Dartmouth College, where he was elected a member of the Alpha Delta Phi and the Phi Beta Kappa Societies and where he was graduated in 1873 with the valedictory address. Among his classmates were Prof. John H. Wright, of Harvard College; Isaiah R. Clark, of the Boston bar; Frank E. Clark, the founder and head of the Young People's Society of Christian Endeavor; James H. Pettee, a missionary to Japan; Pitt Dillingham, principal of the Calhoun Colored School in Alabama; and Dr. E. C. Dudley, an eminent specialist of Chicago. In the winter of his senior year he taught a district school in York, Me., and immediately after graduation went to Oakland, Cal., and for two years was a teacher in the Golden Gate Academy. Returning east in 1875 he began the study of law with General Roger A. Pryor in New York city, but a few months later entered the office of Hon. John H. Hardy, in Boston, now an associate justice of the Massachusetts Superior Court. He also attended one term of lectures at the Boston University Law School, and upon his admission to the Suffolk bar in February, 1878, began active practice in Boston, where he has since maintained an office. For a time he was associated with Judge Hardy; more recently, however, he has enjoyed associate relations with Henry Baldwin, judge of the Municipal Court of the Brighton district of Boston.

Beginning with general law practice, which gave him a substantial foothold in the profession, Mr. Bigelow soon devoted himself to conveyancing, and since about 1880 has made that branch a specialty, having also, in connection with it, a large probate and trust business. From 1880 to the present time he with Judge Baldwin has had charge of practically all of the examination of titles for the Home Savings Bank and the Citizens Mutual Insurance Company, of Boston; and during this period he also did considerable conveyancing for the law department of the city of Boston, in the examination of titles of lands in Middlesex county within the limits of Basin No. 5, now Sudbury Reservoir of the Metropolitan Water Works. In January, 1896, Alfred C. Vinton esq., was appointed conveyancer for the Metropolitan Water Board, and in the following May Mr. Bigelow was made his assistant and still holds that position, having relinquished soon after his appointment the larger part of his private practice. In this capacity Mr.



